

# Chapter 4 – California Environmental Quality Act Evaluation

## 4.1 Determining Significance under CEQA

The proposed project is a joint project by Caltrans and FHWA and is subject to State and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both CEQA and NEPA. Caltrans is the lead agency under CEQA and the FHWA is the lead agency under NEPA.

One of the primary differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an EIS, or some lower level of documentation, will be required. NEPA requires that an EIS be prepared when the proposed federal action (project) *as a whole* has the potential to “significantly affect the quality of the human environment.” The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents.

CEQA, on the other hand, does require Caltrans to identify each “significant effect on the environment” resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an EIR must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of mandatory findings of significance, which also require the preparation of an EIR. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. This chapter discusses the effects of this project and CEQA significance.

## 4.2 Less than Significant Effects of the Proposed Project

The following impacts would have a less than significant effect on the environment based on implementation of design measures and/or routine monitoring efforts during construction:

- Air Quality
- Energy
- Farmlands/Agricultural Lands
- Floodplains
- Geology and Soils
- Growth
- Hydrology and Water Quality
- Land Use
- Parks and Recreational Facilities
- Pedestrian and Bicycle
- Traffic and Transportation
- Utilities and Emergency Services

For a full discussion of environmental consequences for the above issues, please see related sections in *Chapter 3*.

### 4.3 Less than Significant Impacts with Mitigation and/or Minimization

The following resources have specific mitigation and/or minimization measures to reduce or avoid impacts that could occur during construction (cultural and paleontological resources, and hazardous materials) or operations (noise). These measures would reduce potential impacts to less than significant levels under CEQA, as described below.

#### 4.3.1 Cultural Resources

As detailed in *Section 3.8, Cultural Resources*, no substantial change to any historical resource would occur. There is a potential for currently unknown sites to be located during project construction. If unanticipated discoveries are made, consultation with the SHPO would occur, as appropriate. This coordination, combined with implementation of proposed mitigation and minimization measures identified in *Section 3.8* of this Final EIR/EIS, ensures that there would not be significant cultural resources impacts to historical resources.

#### 4.3.2 Paleontological Resources

As detailed in *Section 3.11, Paleontology*, direct impacts to paleontological resources could occur when mass grading cuts extend into geological deposits containing fossils. Although the precise types, depths, and locations of various construction activities are not known at this time, unearthing of paleontological resources is anticipated.

If anticipated discoveries occur, implementation of proposed mitigation measures identified in *Section 3.11* of this Final EIR/EIS would reduce paleontological resources impacts to less than significant levels.

#### 4.3.3 Hazards and Hazardous Materials

As detailed in *Section 3.13, Hazardous Waste/Materials*, construction of the proposed project has the potential to disturb soils and other materials containing hazardous materials, such as aerially deposited lead, petroleum hydrocarbons, pesticides, herbicides, and other contamination due to historic uses in and around the project areas.

Wherever possible, the *I-5 NCC Project* would use the existing I-5 alignment to avoid and/or minimize impacts from hazards and hazardous materials. Where avoidance is not possible, the project incorporates measures to avoid potential disturbances of contamination areas, as described in *Section 3.13* of this Final EIR/EIS. Compliance with the applicable regulations pertaining to the safe handling and removal of hazardous waste/materials would reduce impacts pertaining to emission and handling of hazardous waste/materials within one quarter-mile of a school to less than significant levels.

#### 4.3.4 Noise

Determination for noise impact under CEQA is based on a comparison between the existing noise levels and the build noise levels without soundwalls, as identified in *Section 3.15, Noise*. CEQA differs from NEPA in the assessment of the noise. Under CEQA, the assessment entails looking at the setting of the noise impact and then how large or perceptible a noise increase would be in the given area under future build and no-build conditions.

For the purposes of *Section 4.3.4* and *Section 3.15*, a Noise Sensitive Area (NSA)/Receptor Site is an area involving regular human use or activities that would be susceptible to adverse impacts due to highway traffic-generated noise. NSAs typically include residences, churches, schools, parklands, or hospitals, and may include individual sites, groups of sites, or an entire community. Individual analysis sites within the NSA are called Noise Receptor Sites. For the purposes of analysis, a single-family residence (SFR), multi-family residence (MFR), mobile home (MH), school (SCH), hotel or motel (HM), office, church (CHR), and recreational area (REC), are development types that are identified as units. Several units may be represented by a receptor.

A significant environmental effect under CEQA generally is defined as a substantial or potentially substantial adverse change in the physical environment. The increase in traffic noise caused by a project is the primary factor considered by Caltrans in assessing the significance of noise impacts under CEQA. Key considerations when determining a significant traffic noise impact under CEQA include whether there is an increase between existing and projected noise levels, the uniqueness of the setting, the sensitive nature of the noise receptors, the magnitude of the noise increase, the number of noise receptors affected, and the absolute noise level. The CEQA noise analysis is different from, but related to, the NEPA 23 CFR 772 analysis discussed in *Chapter 3*, which is centered on noise abatement criteria. Although the conclusions may vary, the decibel data addressed in this chapter are the same as those addressed in *Chapter 3*, and remain the same as those disclosed in the Draft EIR/EIS.

The Noise Study Report assesses the potential noise impacts associated with the *I-5 NCC Project*. Noise impacts are presented in *Section 3.15*, where tables for each segment show the existing traffic noise levels and predicted noise levels for all alternatives, including the future no-build.  $L_{eq}$  is used per the Caltrans' Traffic Noise Analysis guidance and is the equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level.

The noise measurement sites, or representative noise receptors, are locations where noise measurements are taken in order to determine existing noise levels and to verify or calibrate computer noise models. Locations that are expected to receive the greatest noise impacts, such as the first row of houses from the noise source, are generally chosen. These sites are chosen as being representative of similar sensitive sites in the area. Noise measurements were conducted in frequent outdoor human-use areas and indoor classroom locations. All noise measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured noise levels. To the extent feasible, sites that were free of major obstructions or noise contamination were selected.

The proposed build alternatives would increase noise levels between 1 dBA and 5 dBA from existing conditions in most locations of the I-5 North Coast Corridor by 2030,<sup>1</sup> with some areas potentially experiencing an increase as high as a 12 dBA change. Changes of 3 dBA or less are generally not detectable by the average healthy human ear and the difference in noise would not be expected to be perceptible. Changes of 5 dBA, however, are readily perceptible. The relationship between noise level change and perceived change is summarized as follows, based on the Caltrans Technical Noise Supplement (November 2009).

- 0 – 3 dBA change: Barely perceptible
- 5 dBA change: Readily perceptible
- 10 dBA change: Twice as loud

The recommended soundwalls in *Section 3.15* would not mitigate the noise impact to a level below CEQA significance for each individual soundwall.

The noise receptors identified along the *I-5 NCC Project* have been divided into 22 segments; information discussing noise impacts along these segments is provided below.

Segment 1 (La Jolla Village Drive to Genesee Avenue) – The 13 units, located within an existing, noisy and urban environment along this segment of the I-5 corridor, are represented by seven noise receptors. Based on the build alternatives (without a soundwall), noise receptors at Segment 1 would experience a projected noise level increase between 3 dBA and 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. Only two of the seven noise receptors within this segment would experience a projected noise level increase of 4 dBA with the build alternatives. The remaining five noise receptors would experience a projected noise level increase of only 3 dBA. The increase between existing noise levels and the build alternatives would not result in a significant noise impact under CEQA and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 1 are currently loud and would remain loud.

Segment 2 (Genesee Avenue to Carmel Mountain Road) – There are five noise receptors, which represent 30 units, located within this segment of the I-5 corridor. This segment is an existing, noisy and urban environment. Based on the build alternatives (without a soundwall), noise receptors at Segment 2 would experience a projected noise level increase of between 1 dBA and 2 dBA. This range of a 1 to 2 dBA increase between existing noise levels and the build alternative is barely perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 2 are currently loud and would remain loud,

Segment 3 (Carmel Mountain Road to Carmel Valley Road) – There are 16 noise receptors, which represent 47 units, located within this segment of the I-5 corridor. This segment consists of an existing, dense residential environment. Based on the build alternatives (without a soundwall), noise receptors at Segment 3 would experience a projected noise level increase between 1 and 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. One noise receptor (R3.10A, representing three units) would experience a noise reduction of 2 dBA. Only 4 of the 16 noise receptors would

<sup>1</sup> The Noise Study uses year 2030, but the traffic discussion in *Section 3.6* clarified that the use of 2030 traffic analysis is equally relevant through 2042 based on the Series 10, 11 and 12 analysis; that is the basis for determining the traffic volume for the noise level.



experience a projected noise level increase of 4 dBA; therefore, most of the noise receptors (11 of 16) would experience a projected noise level increase of 1 dBA to 3 dBA. This range of a 1 to 3 dBA increase between existing noise levels and the build alternative would be barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. Under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 3 are currently loud and would remain loud.

Segment 4 (Carmel Valley Road to Del Mar Heights Road) – There are 25 noise receptors, which represent 111 units, located within this segment of the I-5 corridor. This segment is an existing, noisy, dense residential environment. Based on the build alternatives (without a soundwall), noise receptors at Segment 4 would experience a projected noise level increase between 0 dBA and 3 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. One noise receptor (R4.9, representing four units) would experience a noise reduction of 1 dBA. The increase between existing noise levels and the build alternatives would not result in a significant noise impact under CEQA and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 4 are currently loud and would remain loud.

Segment 5 (Del Mar Heights Road to Via de la Valle Undercrossing) – The 135 units along this segment of the I-5 corridor, represented by 29 noise receptors, are located within an existing noisy, and primarily residential and urban environment. Based on the build alternatives (without a soundwall), noise receptors at Segment 5 would experience a projected noise level increase between 0 dBA and 6 dBA. However, only one of the noise receptors (R5.14, with two represented units) would experience a projected noise level increase of 6 dBA. The projected future noise level at this receptor is 68 dBA, which is consistent with other noise receptors in the vicinity. The other 28 noise receptors would experience a projected noise level increase between 0 dBA and 5 dBA. This range between existing noise levels and the build alternative would be between barely perceptible to readily perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 5 are currently loud and would remain loud.

Segment 6 (Via de la Valle Undercrossing to Lomas Santa Fe Drive) – The 135 units, represented by 34 noise receptors, are located within an existing noisy, residential and urban environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 6 would experience a projected noise level increase between 0 dBA and 10 dBA. However, only one noise receptor would experience a projected noise level increase of 10 dBA (R6.5, with one represented unit); one noise receptor would experience a projected noise level increase of 9 dBA (R6.4, with six represented units); one noise receptor would experience a projected noise level increase of 8 dBA (R6.6, with five represented units); and one noise receptor would experience a projected noise level increase of 7 dBA (R6.7, with five represented units). These receptors, representing 17 units, would perceive noise increases that are considered above readily perceptible to two times as loud as the current condition. Receptors R6.6 and R6.7 would experience a potentially significant impact under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 69 and 71 dBA; and a 7 to 8 dBA projected noise level increase. There are no soundwalls planned for these receptors due to the retention of the coastal view. A soundwall (S603A) is planned for the potentially significant impact to these noise receptors R6.4 and

R6.5 due to the combination of: the location of these receptors; the adjacent receptors noise levels; number of units represented; the resulting potential absolute noise level between 69 and 80 dBA; and a 7 to 10 dBA projected noise level increase. One noise receptor (R6.11, representing seven frontage units) would experience a noise reduction of 1 dBA. The remaining 29 receptors, representing 111 units, would experience a noise increase change between 0 and 6 dBA. Three noise receptors would experience a projected noise level increase of 6 dBA (R6.9A, with four represented units; R6.21, with three represented units; and R6.23, representing a school). The remaining 26 noise receptors, representing 103 units, would experience a projected noise level increase between 0 dBA and 5 dBA. This range of a 0 dBA to 5 dBA increase between existing noise levels and the build alternative would be barely perceptible to readily perceptible to the human ear.

The noise receptors where sound levels would increase by between 6 and 9 dBA would experience a difference that is readily perceptible, but less than twice as loud. The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For this segment overall, under CEQA, no significant noise impact would occur as a result of the project after the proposed mitigation and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 6 are currently loud and would remain loud.

Segment 7 (Lomas Santa Fe Drive to Manchester Avenue) – The 67 units, represented by 33 noise receptors, are located within an existing, noisy, and urban environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 7 would experience a projected noise level increase between 0 dBA and 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. Only 2 of the 33 noise receptors would experience a projected noise level increase of 4 dBA; therefore, the vast majority of the noise receptors (31 of 33) would experience a noise increase of 0 dBA to 3 dBA. The increase between existing noise levels and the build alternatives would not result in a significant noise impact under CEQA. The build alternatives would not significantly contribute to the existing noise levels. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required.

Segment 8 (Manchester Drive to Birmingham Drive) – The 152 units, represented by 32 noise receptors, are located within an existing, noisy, urban, and residential environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 8 would experience a projected noise level increase between 0 and 11 dBA. The 11 dBA projected noise level increase at one noise receptor (R8.7, representing four units) is unique in this segment with a projected noise increase considered over two times as loud as existing noise levels. A soundwall (S635) is planned for the potentially significant impact of noise receptor R8.7 due to the combination of: the location of this receptor; the adjacent receptors noise levels; the number of units represented; and an 11 dBA projected noise level increase. One noise receptor (R8.19, representing six units) would experience a noise reduction of two dBA. The other 30 noise receptors (representing 142 units) would experience a projected noise level increase between 0 dBA and 6 dBA (only 3 noise receptors increasing at 6 dBA: R8.1, R8.5, and R8.6, representing 4, 12, and 8 units respectively). Seven of these 22 noise receptors would experience a projected noise level increase of 0 dBA. Most of the noise receptors (28 of 32) would experience a projected noise level increase of 0 dBA to 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For this segment overall, under CEQA, a less than significant noise impact would occur as a result of the project after the proposed mitigation and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 8 are currently loud and would remain loud.

Segment 9 (Birmingham Drive to Santa Fe Drive) – The 67 units, represented by 19 noise receptors, are located within an existing, noisy, urban, and residential environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 9 would experience a projected noise level increase between 2 dBA and 10 dBA. Ten of the 19 noise receptors would experience a projected noise level increase of 5 dBA or less. One noise receptor (R9.14, representing six units) would experience a substantial projected noise level increase of 10 dBA. A 10 dBA increase is considered two times as loud as the existing noise level. In the context of its baseline setting, however, R9.14 would change from a slightly noisy level (57 dBA) to a noisy level (67 dBA) in an overall corridor that is already noisy. Other noise receptors (R9.2, R9.3, R9.4, R9.4A, R9.15, and R9.15A; representing a total of 28 units) would experience an increase of between 7 to 9 dBA, which would be a readily perceptible increase, but less than two times as loud to the human ear. There are no soundwalls planned for these receptors due to the economic cost of building a soundwall that would cause a perceptible noise reduction. These receptors would experience a potentially significant impact under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 66 and 77 dBA; and a 7 to 10 dBA projected noise level increase. The remaining eight receptors, representing 28 units, are expected to experience a projected noise level increase of 2 dBA to 6 dBA, which is barely perceptible to above readily perceptible to the human ear.

The resulting absolute noise level at the noise receptors that would experience a projected noise level increase of 7 to 10 dBA, would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For this segment overall, under CEQA, a potentially significant noise impact may occur at noise receptors R9.2, R9.3, R9.4, R9.4A, R9.14, R9.15, and R9.15A as a result of the project. Noise levels along Segment 9 are currently loud and would remain loud.

Segment 10 (Santa Fe Drive to Encinitas Boulevard) – The 86 units, represented by 24 noise receptors, are located within an existing dense, residential environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 10 would experience a projected noise level increase between 0 and 8 dBA. The 8 dBA increase at 1 noise receptor (R10.6, representing 10 units) is unique, because the other 23 noise receptors (representing 76 units) would experience a projected noise level increase between 0 dBA and 5 dBA. The receptor representing 10 units would perceive noise increases that are considered between readily perceptible and two times as loud to the human ear. This is a potentially significant impact at noise receptor R10.6 due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 76 dBA; and an 8 dBA projected noise level increase. There are no soundwalls planned for receptor R10.6 due to the economic cost of the soundwall when compared to the benefit received by the represented units. The remaining 23 receptors, representing 76 units, would experience a noise increase change between 0 and 5 dBA. This range of a 0 dBA to 5 dBA increase between existing noise levels and the build alternative would be barely perceptible to readily perceptible to the human ear.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For this segment overall, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 10 are currently loud and would remain loud.

Segment 11 (Encinitas Boulevard to Leucadia Boulevard) – The 132 units, represented by 40 noise receptors, are located within an existing urban, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 11 would experience a projected noise level increase between 1 and 7 dBA. However, only one noise receptor (R11.27, representing two units), would experience the projected noise level increase of 7 dBA. A 7 dBA increase is considered between readily perceptible and two times as loud to the human ear. This receptor, representing two units, would perceive noise increases that are considered above readily perceptible to two times as loud. A soundwall (S686A) is planned for the potentially significant impact of this noise receptor (R11.27) due to the combination of: the location of these receptors; the adjacent receptors' noise levels; the number of units represented; the resulting potential absolute noise level of 77 dBA; and a 7 dBA projected noise level increase. The remaining 39 receptors, representing 130 units, would experience a noise increase change between 0 and 6 dBA. Three noise receptors would experience a projected noise level increase of 6 dBA (R11.29, R11.31, and R11.32, representing one, three, and two units, respectively). A 6 dBA increase is considered readily perceptible increase to the human ear. All other 36 noise receptors would experience a projected noise level increase between 0 dBA and 5 dBA. The range of 5 dBA to 6 dBA increase between existing noise levels and the build alternative is readily perceptible to the human ear. The range of a 0 dBA to 3 dBA increase between existing noise levels and the build alternative would be barely perceptible to the human ear.

For the noise receptor that would experience a projected noise level increase of 7 dBA, the resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For the segment overall, under CEQA, mitigation is being incorporated into the project to lessen the environmental impacts and no significant noise impact would occur as a result of the project and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 11 are currently loud and would remain loud.

Segment 12 (Leucadia Boulevard to La Costa Avenue) – The 104 units, represented by 52 noise receptors, are located within an existing urban, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 12 would experience a projected noise level increase between 1 dBA and 6 dBA. However, only three noise receptors would experience a projected noise level increase of 6 dBA (R12.34, R12.46, and R12.48, representing one, three, and one units, respectively) and nine noise receptors would experience a projected noise level increase of 5 dBA. A 5 to 6 dBA increase is considered readily perceptible increase to the human ear. One noise receptor (R12.40, representing two units) would experience a noise reduction of 1 dBA. All other 39 noise receptors (representing 97 units) would experience a projected noise level increase between 0 dBA and 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. Under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build



alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 12 are currently loud and would remain loud.

Segment 13 (La Costa Avenue to Poinsettia Lane) – The 161 units, represented by 30 noise receptors, are located within an existing dense, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 13 would experience a projected noise level increase between 1 dBA and 7 dBA. However, the 7 dBA increase at 1 noise receptor (R13.8, representing four units) is unique, because the other 29 noise receptors would experience a projected noise level increase between 1 dBA and 5 dBA. Receptor R13.8 would perceive noise increases that are considered between readily perceptible and two times as loud. A soundwall is not planned for the potentially significant impact of noise receptor R13.8. In the context of its baseline setting, R13.8 would change from an urban quiet level (51 dBA) to a slightly noisy level (61 dBA) in an overall corridor that is already noisy. However, receptor R13.8 is potentially significant under CEQA due to the combination of: the location of these receptors; the adjacent receptors' noise levels; the number of units represented; and a 7 dBA projected noise level increase. One noise receptor (R13.20, representing one unit) would experience a noise reduction of 1 dBA. The remaining 28 receptors, representing 96 units, would experience a noise increase between 0 and 6 dBA. This range of a 1 dBA to 6 dBA increase between existing noise levels and the build alternatives would be between barely perceptible and readily perceptible to the human ear.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For the segment overall, under CEQA, no significant noise impact would occur as a result of the project and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 13 are currently loud and would remain loud.

Segment 14 (Poinsettia Lane to Palomar Airport Road) – The 170 units, represented by 31 noise receptors, are located within an existing dense, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 14 would experience a projected noise level increase between 1 dBA and 8 dBA. However, the 8 dBA increase at 1 noise receptor (R14.6 representing 16 units) is unique, because the other 30 noise receptors would experience a projected noise level increase between 1 dBA and 4 dBA. An 8 dBA increase is considered between a readily perceptible increase and two times as loud to the human ear. A soundwall is not planned for the potentially significant impact of this noise receptor R14.6 due to the economic cost of building a soundwall that would cause a perceptible reduction. Receptor R14.6 is potentially significant under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; and an 8 dBA projected noise level increase. The remaining 30 receptors representing 154 units would experience a noise increase change between 0 and 6 dBA. This range of a 1 dBA to 3 dBA increase between existing noise levels and the build alternative would be barely perceptible to the human ear. The range from 4 dBA to 6 dBA is readily perceptible to the human ear.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For the segment overall, under CEQA, no significant noise impact would occur as a result of the project and no additional mitigation is required. The build alternatives would not significantly contribute to the

existing noise levels. Noise levels along Segment 14 are currently loud and would remain loud.

Segment 15 (Palomar Airport Road to Cannon Road) – The two units, represented by two noise receptors (R15.1 and R15.2), are located north of Cannon Road and within an existing noisy, urban environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 15 would experience a projected noise level increase between 2 dBA and 3 dBA. This range of a 2 dBA to 3 dBA increase between existing noise levels and the build alternative would be barely perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 15 are currently loud and would remain loud.

Segment 16 (Cannon Road to Tamarack Avenue) – The 82 units, represented by 21 noise receptors, are located within an existing noisy, and primarily residential and urban environment, along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 16 would experience a projected noise level increase between 1 dBA and 5 dBA. However, only one of the noise receptors (R16.1, representing three units) would experience the projected noise level increase of 5 dBA. Twenty noise receptors would experience a projected noise level increase between 1 dBA and 4 dBA. A 3 dBA increase is barely perceptible to the human ear. A 4 dBA increase is perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 16 are currently loud and would remain loud.

Segment 17 (Tamarack Avenue to Carlsbad Village Drive) – The 195 units, represented by 35 noise receptors, are located within an existing dense, urban, and primarily residential environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 17 would experience a projected noise level increase between 1 dBA and 7 dBA. Two noise receptors (R17.11 and R17.13, representing 10 and 1 units, respectively) would experience a projected noise increase of 7 dBA, to levels consistent with the loudness of the corridor. Receptors R17.11 would perceive noise increases that are considered above readily perceptible. A soundwall (S603) is planned for the potentially significant impact of this noise receptor due to the combination of: the location of these receptors; the adjacent receptors' noise levels; the number of units represented; the resulting potential absolute noise level between 71 dBA; and a 7 dBA projected noise level increase. One noise receptor (R17.19, representing 21 units) would experience a noise reduction of 1 dBA. The remaining 29 receptors (representing 97 units) would experience a noise increase between 0 and 6 dBA. Four noise receptors would experience an increase of 6 dBA (R17.12, R17.14, R17.15 and R17.16, representing four, one, one, and one units, respectively). A 6 dBA increase is considered a readily perceptible increase. A soundwall (S810) is, however, planned for noise receptor R17.12 (Holiday Park) due to the combination of uniqueness of the outdoor recreational use, resulting potential absolute noise level of 72 dBA, and a 6 dBA projected noise level increase. All other 29 noise receptors (representing 177) units would experience a projected noise level increase between 1 dBA and 5 dBA. This range of a 1 dBA to 5 dBA increase between existing noise levels and the build alternative would range from barely perceptible to readily perceptible to the human ear.



For noise receptors that would experience a projected noise level increase of six dBA, the noise level increase would be over readily perceptible. However, the resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. Under CEQA and for the segment overall, other than the mitigation requirement to construct a soundwall (S810) for noise receptors R17.11 through R17.13, no significant noise impact would occur as a result of the project and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 17 are currently loud and would remain loud.

Segment 18 (Carlsbad Village Drive to Vista Way [SR-78]) – The 95 units, represented by 30 noise receptors, are located within an existing urban, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 18 would experience a projected noise level increase between 2 dBA and 12 dBA. One receptor (R18.22, representing three units) would experience an increase of 12 dBA. Receptor R18.22 would experience a potentially significant impact under CEQA. This potentially significant impact is based on the location, magnitude of noise increase of 12 dBA, and a predicted absolute noise level of 82 dBA. A 12 dBA increase is perceived over two times as loud to the human ear. A 14-ft-high soundwall (S821) is planned for this noise receptor (residence located at 1148 Knowles Avenue in Carlsbad) to mitigate the potential noise impacts at this noise receptor.

There are two receptors that would experience an increase of nine dBA (R18.7, representing one unit, and R18.8, representing six units). A 9 dBA increase is perceived as almost two times as loud to the human ear. There are five receptors that would experience an increase of 8 dBA: R18.2, representing five units; R18.11, representing one unit; R18.19, representing two units; R18.20, representing one unit; and R18.24, representing one unit. There are 13 receptors that would experience an increase of 7 dBA: R18.1, representing 3 units; R18.1A, representing 1 unit; R18.2, representing 5 units; R18.3, representing 8 units; R18.4, representing 1 unit; R18.5, representing 1 unit; R18.6, representing 1 unit; R18.7, representing 1 unit; R18.7A, representing 1 unit; R18.8, representing 1 unit; R18.9, representing 1 unit; R18.5, representing 34 units; and R18.27, representing 1 unit. A 7 and 8 dBA increase is considered between a readily perceptible increase and two times as loud to the human ear. The remaining 9 receptors, representing 16 units, would experience a noise increase change between 0 and 6 dBA.

There is no soundwall planned for receptor R18.1 due to the economic cost of the soundwall when compared to the benefit received by the represented units. Receptor 18.1, representing three units, is potentially significant under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level of 73 dBA; and a 7 dBA projected noise level increase. A soundwall is not planned for the potentially significant impact at noise receptors R18.8, R18.9, and R18.27 due to the economic cost of building a soundwall that would cause a perceptible reduction. Receptors R18.8, and R18.9 are potentially significant under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; number of units represented; and a 7 dBA projected noise level increase.

Soundwalls (S821, S822, S826, and S827) are planned for the potentially significant impact for noise receptors R18.1A, R18.2, R18.2A, R18.3, R18.4, R18.5, R18.6, R18.7, R18.7A, R18.8, R18.9, R18.11, R18.17, R18.18, R18.19, R18.20, R18.22, R18.24, R18.25, and R18.27 due to

the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 65 and 82 dBA; and a 7 to 12 dBA projected noise level increase.

For this segment overall, under CEQA, a potentially significant noise impact may occur for these noise receptors as a result of the project. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 18 are currently loud and would remain loud.

Segment 19 (Vista Way [SR-78] to Oceanside Boulevard) – The 178 units, represented by 54 noise receptors, are located within an existing urban, and primarily residential, environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 19 would experience a projected noise level increase between 0 dBA and 9 dBA. An existing soundwall at varying heights at three noise receptors (R19.6A, R19.7, and R19.8, representing 12 units) would be partially removed and replaced with a new soundwall as a project feature at these noise receptors.

One noise receptor (R19.44, representing 3 units) would experience a projected noise level increase of 9 dBA; 6 noise receptors would experience a projected noise level increase of 8 dBA (R19.7 with 5 units, R19.8 with 4 units, R19.15 with 5 units, R19.26 with 4 units, R19.27 with 8 units, and R19.43 with 2 units); and 10 noise receptors would experience a projected noise level increase of 7 dBA (R19.1 with 1 unit, R19.2 with 1 unit, R19.12 with 2 units, R19.13 with 1 unit, R19.14 with 3 units, R19.25 with 1 unit, R19.28 with 2 units, R19.35 with 4 units, R19.36 with 1 unit, and R19.45 with 6 units). A 9 dBA increase is considered to be almost two times as loud to the human ear; while 7 and 8 dBA increases are considered between readily perceptible and two times as loud to the human ear. These 17 receptors (representing 53 units) would perceive noise increases that are considered above readily perceptible to two times as loud.

The remaining 37 receptors (representing 125 units) would experience a noise change between less than 0 and 6 dBA. One noise receptor (R19.37, representing five units) would experience a noise reduction of 3 dBA. Two noise receptors (R19.49 and R19.50, representing one unit each) would experience a noise reduction of 2 dBA. Three noise receptors would experience a projected noise level increase of six dBA (R19.30, R19.39, and R19.40, representing three, three, and two units, respectively). A six dBA increase is considered a readily perceptible increase. Although these increases may be perceptible, this is a noisy corridor that would remain noisy. Thirty-four noise receptors along Segment 19 would experience a projected noise level increase between 1 dBA and 5 dBA, and this range of increase between existing noise levels and the build alternative would be between barely perceptible and readily perceptible to the human ear.

Soundwalls (S841, S835, S836, S845, and S846) are planned for the potentially significant impact to these noise receptors R19.1, R19.2, R19.12, R19.13, R19.14, R19.15, R19.25, R19.26, R19.27, R19.28, R19.35, R19.36, R19.43, R19.44, and R19.45; due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 75 and 82 dBA; and a 7 to 9 dBA projected noise level increase.

There are no soundwalls planned for R19.7 and R19.8 due to the economic cost of the soundwall when compared to the benefit received by the represented units. However the

existing soundwall would be replaced for these receptors. Receptors 19.7 and 19.8 are potentially significant under CEQA due to the combination of: the location of these receptors; the adjacent receptors noise levels; the number of units represented; the resulting potential absolute noise level between 74 and 75 dBA; and an 8 dBA projected noise level increase.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. For this segment overall, under CEQA, no significant noise impact would occur for these noise receptors as a result of the project and no additional mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 19 are currently loud and would remain loud.

Segment 20 (Oceanside Boulevard to Mission Avenue) – The 123 units, represented by 27 noise receptors, are located within an existing urban environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 20 would experience a projected noise level increase between 0 dBA and 8 dBA. An 8 dBA increase is considered to be between a readily perceptible increase and two times as loud to the human ear. However, only one noise receptor (R20.2, representing three units at Ron Ortega Recreation Park) would experience a potentially significant impact under CEQA. Because of the uniqueness of recreational use, a projected noise level increase of 8 dBA, and resulting potential absolute noise level of 77 dBA, a soundwall (S862) would be constructed at Ron Ortega Recreation Park. One noise receptor (R20.4, representing one unit) would experience a noise reduction of 3 dBA. Another noise receptor (R20.26, representing one unit) would experience a noise reduction of 6 dBA. The remaining 25 noise receptors, representing 119 units, would experience a projected noise level increase between 0 dBA and 4 dBA. This range of a decreasing noise level to a four dBA increase between existing noise levels and the build alternative would be barely perceptible to readily perceptible to the human ear.

The resulting absolute noise level would be consistent with the other noise receptors and the general noisy conditions along this segment of the I-5 North Coast Corridor. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no additional mitigation is required for these 27 noise receptors. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 20 are currently loud and would remain loud.

Segment 21 (Mission Avenue to SR-76) – The 60 units, represented by 21 noise receptors, are located within an existing developed and urban environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 21 would experience a projected noise level increase between 1 dBA and 6 dBA, and a noise reduction of 4 dBA at receptor R21.5, representing 2 units. Only 1 of the 21 noise receptors would experience a projected noise level increase of 6 dBA (R21.39, representing one unit). This 6 dBA increase between existing noise levels and the build alternative would be readily perceptible to the human ear. The remaining 19 noise receptors, representing 118 units, would experience a projected noise level increase between 1 dBA and 5 dBA, which is barely perceptible to readily perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 21 are currently loud and would remain loud.

Segment 22 (SR-76 to Wire Mountain Road) – The 54 units, represented by 15 noise receptors, are located within an existing noisy, urban and primarily residential environment along this segment of the I-5 corridor. Based on the build alternatives (without a soundwall), noise receptors at Segment 22 would experience a projected noise level increase between 0 dBA and 3 dBA. This range of a 0 dBA to 3 dBA increase between existing noise levels and the build alternative would barely be perceptible to the human ear. Therefore, under CEQA, no significant noise impact would occur as a result of the project and no mitigation is required. The build alternatives would not significantly contribute to the existing noise levels. Noise levels along Segment 22 are currently loud and would remain loud.

### ***Corridor Noise Impacts CEQA Finding***

At the 27-mile project level, the project includes soundwalls for a number of noise receptors (see *Section 3.15*) that are not required under a CEQA analysis. These soundwalls or other noise mitigation elements were incorporated into the project. The mitigation incorporated into the project for both CEQA and NEPA would effectively provide noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*.

At the project segment level, for 20 of the 22 segments analyzed, soundwalls have been incorporated into the project and they would effectively provide noise mitigation. Two segments of the 27-mile project have been determined to be significant after mitigation. Segment 9 identifies receptors R9.2, R9.3, R9.4, R9.4A, R9.14, R9.15, and R9.15A that would be significantly impacted as a result of the project; there are no soundwalls planned for these receptors due to the economic cost of building a soundwall that would result in a perceptible noise reduction. Segment 18 identifies receptors R18.1, R18.8, R18.9, and R18.27 that would be significantly impacted as a result of the project. A soundwall is not planned for these receptors due to the economic cost of building a soundwall that would result in a perceptible reduction.

At the individual receptor level, soundwalls and/or other mitigation alternatives have been incorporated into the project and they would effectively provide noise mitigation. As to those individual receptors that would not receive noise mitigation (receptors R6.6, R6.7, R10.6, R13.8, and R14.6), there are specific economic, legal, social, technological, or other benefits of the project which outweigh the potentially significant effects on the environment.

The receptors identified in *Table 4.1, Receptors Identified as Potentially Significant*, are within the corridor and may be considered potentially significant impacts. Mitigation was considered for these receptors upon balancing, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks when determining whether to approve these soundwalls for mitigation. In addition, soundwalls proposed off Caltrans right-of-way are subject to the approval of the property owner. The following receptors were identified as potentially significant and many are eligible for a soundwall as identified in *Table 4.1*.

**Table 4.1: Receptors Identified as Potentially Significant**

Receptor #	Soundwall #	Location
R6.4	S603A	804 Ida Avenue
R6.5	S603A	828 Ida Avenue
R6.6	--	708 Castro Street
R6.7	--	709 Ida Avenue
R8.7	S635	2433 Caminito Ocean Cove
R9.2	--	1815 MacKinnon Avenue
R9.3	--	1725 MacKinnon Avenue
R9.4	--	1633 MacKinnon Avenue
R9.4A	--	1606 MacKinnon Avenue
R9.14	--	1551 Villa Cardiff Drive
R9.15	--	1511 Villa Cardiff Drive
R9.15A	--	1511 Villa Cardiff Drive
R10.6	--	611 Stratford Drive
R11.27	S686A	Saxony Condominiums - Park
R13.8	--	7452 Neptune Drive
R14.6	--	Poinsettia Station Apartment Homes - Embarcadero Lane
R17.11	S810	3300 Eureka Place
R17.12	S810	Holiday Park
R17.13	S810	1144 Pine Avenue
R18.1	--	1192 Laguna Drive
R18.1A	S822	1239 Knowles Avenue
R18.2	S822	1220 Knowles Avenue
R18.2A	S822	Park - Pio Pico Drive
R18.3*	S822	1255 Cynthia Lane
R18.4 <sup>*K</sup>	S822	Buena Vista Elementary School
R18.5	S822	Buena Vista Elementary School - Baseball Field
R18.6*	S822	1291 Las Flores Drive
R18.7	S822	1277 Las Flores Drive
R18.7A	S826	1288 Las Flores Drive
R18.8*	--	2351 Pio Pico Drive
R18.9	--	2347 Pio Pico Drive
R18.11	S827	2380 Jefferson Street
R18.17	S821	2443 Tuttle Street
R18.18	S821	1111 Buena Vista Way
R18.19 <sup>K</sup>	S821	2501 Davis Avenue
R18.20	S821	2530 Davis Avenue
R18.22	S821	1148 Knowles Avenue
R18.24	S821	1088 Laguna Dr - Carlsbad Retirement Community
R18.25	S821	1088 Laguna Dr - Carlsbad Retirement Community
R18.27	--	1022 Grand Avenue
R19.1	S836	1504 Kelly Street
R19.2	S836	1501 Krim Place
R19.7	Existing Soundwall Replaced	1613 Lopez Street
R19.8	Existing Soundwall Replaced	1601 Lopez Street



**Table 4.1 (cont): Receptors Identified as Potentially Significant**

Receptor #	Soundwall #	Location
R19.12	S846	1504 California Street
R19.13	S846	1516 California Street
R19.14	S846	1463 Belleare Street
R19.15	S846	1431 Belleare Street
19.25	S845	1246 Laguna Street
19.26	S845	1426 Moreno Street
19.27	S845	1464 Moreno Street
19.28	S845	1474 Moreno Street
19.35	S841	1637 Griffin Street
19.36	S841	1256 Alderney Court
19.43	S835	1250 Kirmar Place
19.44	S835	1250 Kirmar Place
19.45	S835	1824 Moreno Street
R20.2	S863	Ron Ortega Recreation Park

### **Construction Impacts**

Construction activities, including utility relocations, would likely generate a temporary, short term increase in noise. Because this increase would be temporary and limited to the immediate area surrounding construction and utility relocations activities, it would be a less than significant impact. A combination of attenuation techniques with equipment noise control and administrative measures would be selected to minimize noise disturbances during construction and utility relocation activities. See *Section 3.15* for additional details.

## **4.3.5 Biological Resources**

### **Natural Communities**

As described in *Section 3.17*, the proposed project would result in impacts to riparian, wetland, and eelgrass habitat for natural communities. Impacts to all upland communities would range from 1295.16 ac under the 10+4 Barrier alternative to 1244.92 ac under the refined 8+4 Buffer alternative (Preferred Alternative). The 10+4 Buffer alternative and 8+4 Barrier alternative would result in impacts to 1269.07 ac and 1281.79 ac, respectively.

Impacts to 18.43 ac to 25.55 ac of riparian and wetland habitat, depending on the selected alternative, would be considered significant. Impacts to sensitive upland habitats would total between 63.72 ac and 69.43 ac, depending on the selected alternative, and would also be considered significant.

In addition, permanent impacts to eelgrass for each of the alternatives range from 0.08 ac impacted by the refined 8+4 Buffer alternative to 0.24 ac impacted by the 10+4 Barrier alternative. Temporary impacts to eelgrass would range from 0.22 ac for the refined 8+4 Buffer alternative to 0.37 ac for the 10+4 Barrier alternative. Impacts to eelgrass would be considered significant.

Mitigation provided as part of the *I-5 NCC Project* REMP would reduce these significant impacts to less than significant levels. Additional details regarding mitigation are provided in *Section 3.17*.



**Wetlands and Other Waters**

As described in *Section 3.18* of this document, net impacts to wetlands and other waters of the U.S. would range from 11.61 ac under the refined 8+4 Buffer alternative (Preferred Alternative) to 17.17 ac of USACE resources under the 10+4 Barrier alternative. Net impacts to State jurisdictional wetlands would range from 15.92 ac under the refined 8+4 Buffer alternative to 23.03 ac under the 10+4 Barrier alternative. Impacts to jurisdictional waters would be considered significant under CEQA.

Mitigation provided as part of the *I-5 NCC Project* REMP would reduce these significant impacts to less than significant levels. Additional details regarding mitigation are provided in *Sections 3.17* and *3.18*. Information about the REMP's relationship to regional lagoon restoration also is addressed therein, and in *Section 3.25*.

**Plant, Animal, and Threatened and Endangered Species**

The North Coast Corridor contains a number of sensitive (including threatened and endangered) plant and animal species, whose ranges and numbers have been reduced due to past disturbance by urban development and related infrastructure, including I-5.

As discussed in detail in *Sections 3.19* and *3.20* of this Final EIR/EIS, the proposed project could generate impacts to certain sensitive plant and animal species. Because of the status of such sensitive species, the *I-5 NCC Project* would take precautions to avoid construction-period impacts. Avoidance, minimization, and mitigation measures for the proposed project specify that seed would be collected or plants would be salvaged to the extent practicable in the impact areas. Habitat removals would be minimized and mitigated, as discussed in *Sections 3.17* through *3.22* of this document. Implementation of these measures would reduce impacts to sensitive plant and animal species to less than significant levels.

As discussed in detail in *Section 3.21* of this Final EIR/EIS, the proposed project could generate impacts to certain species, including designated critical habitat for the least Bell's vireo, southwestern willow flycatcher, tidewater goby, and the California gnatcatcher. Sensitive bird species that forage and nest within the lagoons at certain times of the year could experience adverse effects on breeding behaviors. Potential temporary impacts could occur to steelhead trout habitat within the San Luis Rey River. Designated critical habitat for several threatened or endangered bird species (i.e., least Bell's vireo and coastal California gnatcatcher) would be removed. In all cases, the *I-5 NCC Project* would minimize and/or mitigate for impacts to sensitive wildlife, wildlife movement, and/or nursery sites. Avoidance, minimization, and mitigation measures identified in *Sections 3.17* through *3.22* would reduce impacts to these species to less than significant levels.

**Conformance with Local Policies, Ordinances, and Conservation Plans**

Conformance of the *I-5 NCC Project* with local policies and ordinances addressing biological resources is discussed in *Section 3.1* and detailed in *Table 3.1.1*. The analysis and mitigation relevant to the applicable protected resources are provided in *Sections 3.17* through *3.22* of this Final EIR/EIS. Although Caltrans and FHWA are not signatory agencies to the local HCP, MSCP, and/or MHCP efforts, Caltrans has coordinated with the cities and wildlife agencies to ensure that potential impacts to species or habitats protected under local conservation plans would be minimized and/or mitigated to less than significant levels (see discussion of the project REMP in *Section 3.17* of this Final EIR/EIS). Additionally, the project REMP, which addresses impacts and mitigation requirements for a number of transportation improvements

(highway, rail, local street, etc.) throughout the North Coast Corridor, provides a regional approach similar to the MSCP/MHCP plans.

### **Conclusion**

As detailed above, measures to avoid or substantially lessen impacts have been incorporated into the project. These measures would reduce impacts to below a level of significance. The measures are incorporated into the ECR, which comprises a program for reporting on or monitoring implementation of the measures, pursuant to CEQA Guidelines Section 15091(d).

## **4.4 Unavoidable Significant Environmental Effects**

Impacts to Visual/Aesthetics (for all four build alternatives) and Community Character and Cohesion (for the 10+4 barrier alternative) would remain significant after mitigation identified in Chapter 3.

### **4.4.1 Visual/Aesthetics**

I-5 already constitutes a transportation feature within the viewscape for viewers who see it from community locations to the east or west. The portion of I-5 that is designated as scenic highway is not affected. I-5 does not extend over large blocks of land in an east-west direction (which would support increased visibility) but is a relatively narrow visual element in a much larger viewscape. A scenic vista is being enhanced by the project, just north of Manchester Avenue on the west side. Given the varying topography of the North Coast Corridor and the amount of other built elements, I-5 is not the predominant visual feature, which generally would be expected to be the Pacific Ocean, or nearby hillsides.

Visually, when considered in the context of (1) most community views being focused toward the ocean, as well as (2) existing North Coast Corridor development density, (3) existing topographic or manmade features that intervene between the viewer and I-5 throughout most of the North Coast Corridor communities, and (4) the presence of the existing eight-lane facility, I-5 improvements are not expected to substantially change the visual experience of the larger communities surrounding it.

Viewers along the corridor would continue to be exposed to a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping (similar to existing conditions). Specific to ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained.

As described in Section 3.7, however, all four build alternatives would result in highly adverse changes to the existing visual environment along the I-5 right-of-way, primarily related to construction of retaining walls and potential sound barriers. While impacts to visual resources would be similar for all four build alternatives, the 10+4 Barrier alternative would result in the greatest change to the existing visual environment because this alternative would require the greatest amount of additional pavement. Conversely, the refined 8+4 Buffer alternative (Preferred Alternative) would result in the least amount of change to the existing visual

environment, because it would require the least amount of additional pavement. The increase in build elements could be considered to substantially degrade the existing visual character of the I-5 right-of-way. Potentially significant CEQA impacts to I-5 views range from moderate visual impact to high visual impact.

No new source of substantial light or glare would be generated, since the project addresses the widening of an existing facility; impacts would be less than significant.

### **Conclusion**

As detailed in *Section 3.7*, measures to avoid or substantially lessen impacts have been incorporated into the project. These measures are incorporated into the ECR, which comprises a program for reporting on or monitoring implementation of the measures, pursuant to CEQA Guidelines Section 15091(d). Nonetheless, impacts would remain significant. Additional measures or alternatives that would reduce impacts to below a level of significance would be infeasible due to the nature of widening an existing interstate in a scenic area.

### **4.4.2 Community Character and Cohesion**

The 10+4 Barrier alternative would displace a 47-unit apartment complex in northern Carlsbad within an area identified as exhibiting traits of elevated community cohesion: namely, a relatively high concentration of linguistically isolated Spanish-speaking households, as well as a high proportion of minority populations. As discussed in *Section 3.4*, displaced residents living in these 47 units may be difficult to relocate within a similar community as the availability of apartments within Carlsbad with similar rental rates is not adequate. If relocation is not feasible in Carlsbad and up to 47 families are relocated outside of the community, this may adversely impact community cohesion in the area, which would be considered a significant impact. The refined 8+4 Buffer alternative, which has been identified as the Preferred Alternative, would avoid impacts to this apartment complex. If the 10+4 Barrier alternative is ultimately selected for implementation, findings regarding the infeasibility of the 8+4 Buffer alternative would be required.

## **4.5 Significant Irreversible Environmental Changes**

Implementation of the project would involve a commitment of natural, physical, human, and fiscal resources. Land used in the construction of the proposed facilities is considered an irreversible commitment during the time period that the land would be used for the highway facility. Although the land can be converted to another use if a greater need arises for use of the land or if the facilities are no longer needed, at present, there is no reason to believe such a conversion would ever be necessary or desirable. The following land uses and environmental resources would be committed: wetlands, sensitive species, natural communities, farmlands, residences, business locations, floodplains, cultural resources, and visual resources. Please refer to relevant sections of *Chapter 3* of this Final EIR/EIS, as well as *Section 3.24*, for additional discussion.

Although such resources are generally not retrievable, their commitment is based on the concept that individuals in the immediate area, region, and State would benefit from the improved quality of the transportation system. These benefits would consist of improved accessibility and safety, savings in time and fuel, and the provision of a dependable

transportation system; these benefits are expected to outweigh the commitment of these resources.

## 4.6 Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gas (GHG) emissions, particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988, has led to increased efforts devoted to GHG emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of GHGs generated by human activity including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF<sub>6</sub>), HFC-23 (fluoroform), HFC-134a (s, s, s, 2-tetrafluoroethane), and HFC-152a (difluoroethane).

In the U.S., the main source of GHG emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light duty trucks, other trucks, buses, and motorcycles make up the largest source (second to electricity generation) of GHG emitting sources. The dominant GHG emitted is CO<sub>2</sub>, mostly from fossil fuel combustion.

There are typically two terms used when discussing the impacts of climate change. "Greenhouse Gas Mitigation" is a term for reducing GHG emissions in order to reduce or "mitigate" the impacts of climate change. "Adaptation," refers to the effort of planning for and adapting to impacts resulting from climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels).<sup>2</sup>

There are four primary strategies for reducing GHG emissions from transportation sources: (1) improving the transportation system and operational efficiencies, (2) reducing the growth of vehicle miles traveled (VMT), (3) transitioning to lower GHG emitting fuels, and (4) improving vehicle technologies. To be most effective all four strategies should be pursued cooperatively. The following *Section 4.6.1, Regulatory Setting*, outlines State and federal efforts to comprehensively reduce GHG emissions from transportation sources.

### 4.6.1 Regulatory Setting

#### **State**

With the passage of several pieces of legislation including State Senate and Assembly Bills (SBs, ABs) and Executive Orders (EOs), California launched an innovative and pro-active approach to dealing with GHG emissions and climate.

*AB 1493, Pavley, Vehicular Emissions: Greenhouse Gases, 2002:* requires the California Air Resources Board (CARB) to develop and implement regulations to reduce automobile and

<sup>2</sup> [http://climatechange.transportation.org/ghg\\_mitigation/](http://climatechange.transportation.org/ghg_mitigation/)

light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year. In June 2009, the United States Environmental Protection Agency (USEPA) Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own GHG emission standards for motor vehicles beginning with model year 2009. California agencies will be working with federal agencies to conduct joint rulemaking to reduce GHG emissions for passenger cars model years 2017-2025.

*EO S-3-05* (signed on June 1, 2005, by former Governor Arnold Schwarzenegger): the goal of this EO is to reduce California's GHG emissions to: (1) year 2000 levels by 2010, (2) year 1990 levels by 2020, and (3) 80 percent below the year 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of AB 32.

*AB 32, the Global Warming Solutions Act of 2006*, Núñez and Pavley: sets the same overall GHG emissions reduction goals as outlined in EO S-3-05, while further mandating that CARB create a scoping plan (which includes market mechanisms) and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases."

*Senate Bill 375 (SB 375), Chapter 728, 2008 Sustainable Communities and Climate Protection*: requires CARB to set regional emissions reduction targets from passenger vehicles. The Metropolitan Planning Organization for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land use, and housing policies to plan for achievement of the emissions target for their region.

*Senate Bill 391 (SB 391), Chapter 913, 2009*: requires the State's long-range transportation plan to meet California's climate change goals under AB 32.

*EO S-20-06* (signed on October 18, 2006 by former Governor Arnold Schwarzenegger): further directs State agencies to begin implementing AB 32, including the recommendations made by California's Climate Action Team.

*EO S-01-07* (signed on January 18, 2007 by former Governor Arnold Schwarzenegger): set forth the low carbon fuel standard for California. Under this EO, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by the year 2020.

*SB 97, Chapter 185, 2007*: required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the CEQA Guidelines for addressing GHG emissions. The amendments became effective on March 18, 2010.

*Caltrans Director's Policy 30 (DP-30) Climate Change* (approved June 22, 2012): is intended to establish a Caltrans policy that will ensure coordinated efforts to incorporate climate change into Caltrans decisions and activities. This policy contributes to Caltrans' stewardship goal to preserve and enhance California's resources and assets.

### **Federal**

Although climate change and GHG reduction is a concern at the federal level; currently there are no regulations or legislation that have been enacted specifically addressing GHG emissions reductions and climate change at the project level. Neither the USEPA nor the FHWA has promulgated explicit guidance or methodology to conduct project-level GHG analysis. As stated on FHWA's climate change website (<http://www.fhwa.dot.gov/hep/climate/index.htm>), climate



change considerations should be integrated throughout the transportation decision-making process—from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will facilitate decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project level decision-making. Climate change considerations can easily be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies outlined by FHWA to lessen climate change impacts correlate with efforts that the State is undertaking to deal with transportation and climate change; these strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and a reduction in travel activity.

Climate change and its associated effects are being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the “National Clean Car Program” and EO 13514 - *Federal Leadership in Environmental, Energy and Economic Performance*.

EO 13514 is focused on reducing GHGs internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the Interagency Climate Change Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change.

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that GHGs are air pollutants covered by the Clean Air Act and that the USEPA has the authority to regulate GHG. The Court held that the USEPA Administrator must determine whether or not emissions of GHGs from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

On December 7, 2009, the USEPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator found that the current and projected concentrations of the six key well-mixed GHGs—carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>)—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the USEPA’s Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles, which was published on September 15, 2009.<sup>3</sup> On May 7, 2010 the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards was published in the Federal Register.

<sup>3</sup> <http://www.epa.gov/oms/climate/regulations.htm#1-1>



USEPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations. These steps were outlined by President Obama in a Presidential Memorandum on May 21, 2010.<sup>4</sup>

The final combined USEPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO<sub>2</sub>) per mile, (the equivalent to 35.5 miles per gallon [MPG] if the automobile industry were to meet this CO<sub>2</sub> level solely through fuel economy improvements). Together, these standards will cut GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

On November 16, 2011, USEPA and NHTSA issued their joint proposal to extend this national program of coordinated GHG and fuel economy standards to model years 2017 through 2025 passenger vehicles.

#### 4.6.2 Project Analysis

Transportation, particularly motor vehicles, is a large source of GHG emissions. Transportation (including cars, trucks, trains, planes, and ships) is estimated to be responsible for 38 percent of California GHG emissions in 2009.<sup>5</sup>

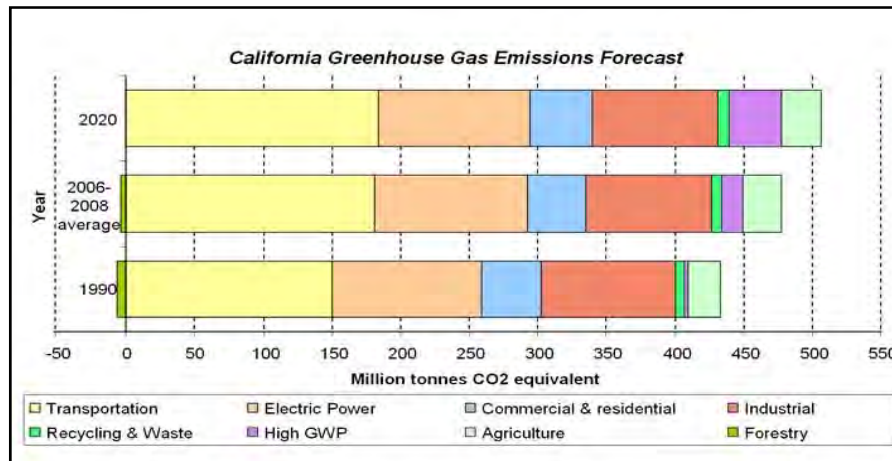
An individual transportation project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may contribute to a potential impact through its *incremental* change in emissions when combined with the contributions of all other sources of GHG.<sup>6</sup> In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable" (CEQA Guidelines sections 15064(h)(1) and 15130). To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects.

The AB 32 Scoping Plan mandated by AB 32 contains the main strategies California will use to reduce GHG emissions. As part of its supporting documentation for the Draft Scoping Plan, CARB released the GHG inventory for California (forecast last updated: October 28, 2010). The forecast is an estimate of the emissions expected to occur in the year 2020 if none of the foreseeable measures included in the Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the GHG inventory for 2006, 2007, and 2008.

<sup>4</sup> <http://epa.gov/otaq/climate/regulations.htm>

<sup>5</sup> [http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg\\_inventory\\_00-09\\_report.pdf](http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg_inventory_00-09_report.pdf)

<sup>6</sup> This approach is supported by the AEP: *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), as well as the South Coast Air Quality Management District (Chapter 6: The CEQA Guide, April 2011) and the US Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

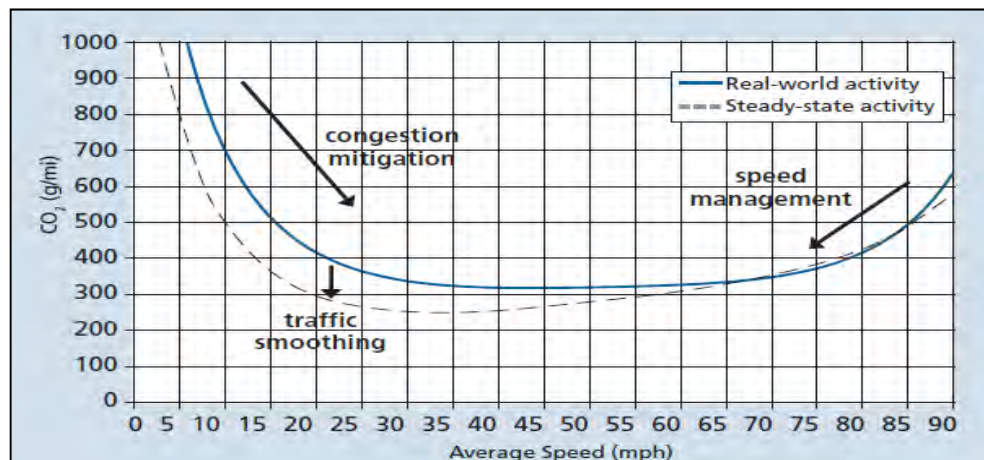


Source: <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>

**Figure 4-1: California Greenhouse Gas Inventory**

Caltrans has created and is implementing the “Climate Action Program” that was published in December 2006<sup>7</sup> and has taken an active role in directly addressing GHG emission reductions, mainly through two of the primary GHG reducing strategies mentioned at the beginning of this section: (1) improving the transportation system and operational efficiencies and (2) reducing the growth of VMT.

One of the main strategies in the Caltrans’ Climate Action Program to reduce GHG emissions is to make California’s transportation system more efficient. The highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 mph) and speeds over 55 mph; the most severe emissions occur from 0-25 mph (see *Figure 4-2*). To the extent that a project relieves congestion by enhancing operations and improving travel times in high congestion travel corridors GHG emissions, particularly CO<sub>2</sub>, may be reduced.



**Figure 4-2: Possible Effect of Traffic Operation Strategies in Reducing On-Road CO<sub>2</sub> Emission<sup>8</sup>**

<sup>7</sup> Caltrans Climate Action Program is located at the following web address:

[http://www.dot.ca.gov/hq/tpp/offices/ogm/key\\_reports\\_files/State\\_Wide\\_Strategy/Caltrans\\_Climate\\_Action\\_Program.pdf](http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf)

<sup>8</sup> Traffic Congestion and Greenhouse Gases: Matthew Barth and Kanok Boriboonsomsin (TR News 268 May-June 2010) <<http://onlinepubs.trb.org/onlinepubs/trnews/trnews268.pdf>>

In *Chapter 1* of this document, it is written that the purpose of the proposed project is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2030.<sup>9</sup> The proposed HOV/Managed Lanes project is designed to reduce congestion and/or vehicle time delays, as evidenced in *Section 1.3.2* of this document, by better matching traffic demand with a transportation system that can efficiently handle traffic volumes. This project includes two DARs that provide access for HOV/Managed Lanes users directly on to the HOV/Managed Lanes. Multimodal and TDM elements have been incorporated into each build alternative (*Section 2.2.3*).

Travel time and congestion are indicators of the efficiency of the system. In 2006, it took an average of 23–25 minutes to drive the 27 miles in either direction on I-5 between Harbor Drive at the north end of the corridor and La Jolla Village Drive at the south end. During the peak periods in 2006, average southbound travel time increased to 32 minutes in the afternoon (PM peak hour) and 35 minutes in the morning (AM peak hour). Northbound average travel time increased to 30 minutes during the afternoon peak period (PM peak hour). The corridor also experiences consistent southbound weekend congestion, resulting in a corridor travel time of up to 30 minutes, approximately 6 minutes longer than free-flow travel times, which is approximately 24 minutes. The peak-period congestion and travel-time degradation are compounded by the multi-purpose trip nature of this highway that serves not only high volumes of commute trips, but also recreational, regional, interregional, and short-distance local trips.

By 2030, traffic studies show that with no improvements to I-5, congestion is predicted to expand significantly as compared to 2006 conditions, to the extent that the entire length of the corridor in both directions is projected to experience severe congestion and traffic delay during the peak periods (Series 10 traffic model, 2030). In addition, if no improvements are made to I-5, forecasts indicate that the projected increases in average daily traffic will extend the time duration of congestion in both the northbound and southbound directions. In 2006, congestion lasted on average five hours in both the northbound and southbound directions. Without project improvements, as early as 2030, travel time is projected to increase to 53 to 54 minutes in the AM peak period and 40 to 48 minutes in the PM peak period. The period of time for which drivers would experience this congestion also would increase for both AM and PM peak travel periods, from five hours in 2006 to six hours in the future. By 2030, if no improvements are made to I-5, congested travel hours would more than double, with northbound congestion forecast to extend to 9-10 hours and southbound congestion to extend to 13 hours.

Caltrans uses VMT data to analyze the existing and future predicted demand on a particular transportation facility, corridor, or system, to assess the present use of and the predicted future needs for the facility, corridor, or system. This same factor (VMT) is also used to assess the current and future emissions generated from motor vehicles burning fossil fuels, and is generally viewed as a direct relationship: an increase in VMT equals increased air emissions. It should be noted, however, that freeway VMT is only one component of the air quality analysis; vehicle speeds and associated changes in VMT on local roadways are also important factors.

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<sup>9</sup> The GHG analysis uses year 2030, but the traffic discussion in *Section 3.6* clarified that the use of 2030 traffic analysis is equally relevant through 2042 based on the Series 10, 11 and 12 analysis.

Studies conducted for the *I-5 NCC Project* show the corridor would experience significant growth in travel demand, with the growth of VMT occurring regardless of whether highway capacity improvements are made. In other words, the planned improvements to I-5 would not significantly induce travel on the highway; rather, they would make already occurring travel more efficient and reliable. Forecasts show, that with no improvements, VMT would increase by between 20.1 percent (Series 11 traffic model, 2030) and 29.6 percent (Series 12 traffic model, 2040). These percentages indicate that without any improvements, the highway would be unprepared to meet future traffic demand.

However, the results are different with the addition of the proposed four HOV/Managed Lanes (managed for carpools, vanpools, transit, and paying single-occupancy vehicles [SOVs]). With these lanes, the travel forecasts project only an additional 4.0 percent (Series 10 and Series 11 traffic models, 2030) to 5.9 percent (Series 12 traffic model, 2040).

Policies, plans, and programs to reduce transportation emissions are evaluated on a regional and State level, with San Diego County regional policies being implemented through the regional transportation planning and the Regional Transportation Program (RTP) made up of proposed improvement projects, such as the *I-5 NCC Project*. The improvements proposed in the *I-5 NCC Project* are intended to not only implement the regional transportation planning, but also to implement key strategies for reducing GHG emissions by improving the transportation system and operational efficiencies, and reducing the growth of VMT. The purpose of the transportation improvements proposed in the *I-5 NCC Project* are to efficiently move more people, and not necessarily more vehicles, to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2050, which would therefore reduce regional VMT growth. Specifically, the 8+4 Barrier/Buffer alternatives include only new HOV lanes, with no new general purpose lanes. If determined to be a regional goal in the future, these lanes could be converted to be used only by transit operators.

The composition of transportation projects in San Diego County and the design of the transportation network in the 2050 RTP are heavily influenced by the GHG goals set in SB 375 and targets set in CARB for cars and light trucks. SANDAG has determined that the best way to meet the GHG reductions is to provide the general public and those who move goods with convenient multimodal travel options that maximize productivity and reduce the costs and time associated with travel. The *I-5 NCC Project* would assist in the achievement of this goal by providing incentives for people to carpool and use the HOV/Managed Lanes to help reduce overall growth in VMT. There would be community and regional enhancements that encourage bicycle and pedestrian travel and the project design would accommodate a future BRT. In accordance with SB 375, the building blocks of the SCS include the following:

- A land use pattern that accommodates the region's future employment and housing needs, and that protects sensitive habitats and resource areas.
- A transportation network of public transit and Express Lanes, and highways, local streets, bikeways, and walkways built and maintained with available funds.
- Managing demands on the transportation system (also known as transportation demand management [TDM]) in a way that reduces or eliminates traffic congestion during peak periods of demand.



- Managing the transportation system (also known as transportation system management [TSM]) through measures that maximize the efficiency of the transportation network.
- Innovative pricing policies and other measures designed to reduce VMT and traffic congestion during peak periods of demand.

The 2050 RTP and SCS guide the San Diego region toward a more sustainable future by focusing housing and job growth in urbanized areas, protecting sensitive habitat and open space, and investing in a transportation network that provides residents and workers with transportation options that will help reduce GHG emissions. It is anticipated that with each RTP (every four years) there will be new opportunities to help reduce GHG emissions. The region-wide 2050 RTP/SCS reduces energy consumption and GHG emissions with the following key achievements:

- Meets state GHG reduction mandates.
- Funds \$2.7 billion for regional and local bicycle and pedestrian projects and programs.
- Provides 156 new miles of trolley service and a new trolley tunnel in downtown San Diego.
- Expands and speeds up COASTER service in the North Coast Corridor.
- More than doubles the transit service miles and increases transit frequency in key corridors.
- Creates 130 miles of Express Lanes to facilitate carpools, vanpools, and premium bus service and creates new carpool and telework incentive programs to reduce solo driving.
- Doubles the number of homes and jobs within one-half mile of transit.

The 2050 RTP includes a network that integrates many modes of transportation, with a mix of projects and a wide variety of transportation choices distributed across the region. This multimodal network is expected to promote a substantial increase in carpooling, demands for public transit, and bicycling and walking for work trips both during peak hours and at other times. The 2050 RTP contains the largest investment in bicycle and pedestrian infrastructure of any San Diego RTP to date. These investments are expected to dramatically increase bicycle and walking trips (a 120 percent increase, compared with the No Build Alternative). Carpooling—expressed as a percentage of all modes of transportation used to get to work—is expected to increase by 48 percent. The implementation of the *I-5 NCC Project* is a highway component of this plan and supports the bicycle and pedestrian infrastructure.

The 2050 RTP's transportation infrastructure, including the *I-5 NCC Project* improvements, will also help reduce congestion for autos, trucks, and public transit. The percentage of peak-period auto travel occurring during congested periods is projected to drop from 27.7 percent with no improvements to 17.2 percent under the 2050 RTP. Similarly, congested conditions for peak-period transit travel are projected to drop by nearly half (from 9.1 percent to 5.1 percent) under the 2050 RTP. The number of hours of delay per day for trucks will also be cut in half (from 32,300 hours to 16,000 hours) with the implementation of the 2050 RTP.

This project is included in the 2007 FSTIP as amended in 2009 and 2011, and included in SANDAG's 2050 Regional RTP/SCS and the 2012 RTIP. Traffic conditions projected for 2030 in the 2010 Draft EIR/EIS are consistent with current projections (see discussion of this topic in *Sections 1.3.2 and 3.6* of this Final EIR/EIS).

### 4.6.3 Quantitative Analysis

To estimate the potential beneficial or negative effect of the proposed project on San Diego regional GHG levels, the CARB EMFAC 2007 vehicle emissions model for the SDAB was used to calculate CO<sub>2</sub> emissions for the San Diego metropolitan area with and without the proposed project.

In order to determine regional GHG emissions, the I-5 Northcoast Series 11 GHG Regional Effects travel demand models were utilized for the build and no build scenarios. Regional fuel consumption and CO<sub>2</sub> emissions were modeled with and without the build scenario for each respective time horizon.

The results of the regional fuel consumption and CO<sub>2</sub> emissions models are shown in Table 4.2.

**Table 4.2: Average Difference in Regional CO<sub>2</sub> Emissions**

Alternative	2006 Existing	2030 No Build	2030 10+4 w/DARs	2030 8+4 w/DARs
Model Year	2006	2030	2030	2030
Fuel Consumption (gallons/day)	4,139,840	5,866,570	5,829,250	5,830,190
Efficiency Fuel Savings (gallons/day)	N/A	N/A	37,320	36,380
Diesel Fuel Consumption (gallons/day)	497,950	655,770	657,040	657,150
Efficiency Fuel Savings (gallons/day)	N/A	N/A	-1,270	-1,380
Regional CO <sub>2</sub> Annual Average Emissions (tons/day)	44,940	64,260	63,910	63,920
Efficiency CO <sub>2</sub> Savings (tons/day)	N/A	N/A	350	340

Compared to the No Build alternative, implementation of the 10+4 Barrier/Buffer alternatives is estimated to reduce 2030 CO<sub>2</sub> emissions in the San Diego Region by up to 350 tons per day. Compared to the No Build alternative, implementation of the 8+4 Barrier/Buffer alternatives is estimated to reduce 2030 CO<sub>2</sub> emissions in the San Diego Region by up to 340 tons per day. These decreases would be due to the decreased congestion along the corridor and improved travel times along the corridor. Therefore, it is concluded that regional transportation efficiency would be increased and overall CO<sub>2</sub> emission would be reduced.

Currently, the emissions modeling software is limited to generating output only for freeway mainlines, and not local streets. Therefore, the above analysis does not reflect any reduction in GHG emissions that could result from reduced queue lengths at ramp meters and intersections. Because the proposed project would reduce delay at these locations, there is the potential for further reduction in GHG emissions from vehicles spending less time idling.



#### 4.6.4 Construction Emissions

GHG emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by on-site construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events.

Air Quality measures to minimize emissions for construction equipment include:

- Use low-emission on-site mobile construction equipment where feasible.
- Maintain equipment in tune per manufacturer's specifications.
- Retard diesel engine injection timing by two to four degrees unless not recommended by manufacturer (due to lower emission output in-place).
- Use reformulated, low-emission diesel fuel.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Use catalytic converters on gasoline-powered equipment.
- Do not leave inactive construction equipment idling for prolonged periods.

Traffic and Transportation measures to minimize energy consumption and GHG emissions include the following:

- Construction phasing plan to identify sequence of construction and to help minimize traffic delays.
- Traffic delays controlled to the extent feasible during periods of many simultaneous construction operations.
- Comprehensive TMP to further minimize delays during construction. TMP is designed to increase driver awareness, ease congestion, and minimize delay during construction. Components include:
  - Public Awareness Program including changeable message signs, public service announcements via media, and 800 number.
  - Traffic Operations Strategies Program, which includes ongoing evaluation of traffic operations and provides incident response during construction, CHP construction zone speed reduction enforcement, and alternate route strategies.

Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment and vehicles, with a smaller contribution from on-road construction and worker vehicles. The numbers reported in *Table 4.3* below are estimated annual GHG construction emissions using Sacramento Metropolitan Air Quality District (SMAQMD) Road Construction Model - Version 6.3.2 to calculate emissions for the proposed bridge construction and roadway widening. Assumptions are made by the model for the relative mix of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O emissions from diesel fuel used in off-road and on-road vehicles as reported in the California Climate Action registry's (CCAR) General Reporting Protocol.

**Table 4.3: Estimated Annual Construction GHG Emissions**

Improvement	Tons CO <sub>2</sub>	MT CO <sub>2</sub> E
Bridge Construction	399	365
Roadway Widening	1,938	1,764
<b>TOTAL</b>	<b>2,337</b>	<b>2,129</b>

Source: Dudek Draft Greenhouse Gas Assessment, October 2011

CO<sub>2</sub>E = Carbon Dioxide Equivalent; MT = metric tons.

When considered on a global scale and amortized over the life of the proposed improvements, the projected construction emissions are relatively minor. In addition, as previously stated, the *I-5 NCC Project* improvements are included in the 2050 RTP/SCS transportation network improvements phased project list; therefore, the *I-5 NCC Project* improvements and associated emissions were analyzed in the 2050 RTP/SCS EIR. The 2050 RTP/SCS EIR estimated annual construction emissions from construction activities, including worker vehicle trips, transport of materials to and from the construction site, and operation of construction equipment.

### Conclusion

While construction would result in a slight increase in GHG emissions during construction, the project would result in a decrease in operational GHG emissions when comparing the future build to the future no-build conditions. Operational improvements are projected to result in a decrease of approximately 124,000 tons per year of CO<sub>2</sub>, relative to construction emissions of less than 3,000 tons per year. As a result, the net impact would be beneficial and, therefore, less than significant. Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

### 4.6.5 AB 32 Compliance

Caltrans continues to be actively involved on the Governor's Climate Action Team as CARB works to implement the Governor's EOs S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Former Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a \$222 billion infrastructure improvement program to fortify the State's transportation system, education, housing, and waterways, including \$100.7 billion in transportation funding during the next decade. The Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach to attain CO<sub>2</sub> reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements as depicted in *Figure 4-3*.



**Figure 4-3: The Mobility Pyramid**

Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans works closely with local jurisdictions on planning activities but does not have local land use planning authority. Caltrans also assists efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, as well as, light- and heavy-duty trucks; Caltrans is doing this by supporting ongoing research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by the USEPA and CARB.

*Table 4.4* summarizes Caltrans' and Statewide efforts for implementation in order to reduce GHG emissions. For more detailed information about each strategy, please see Climate Action Program at Caltrans (December 2006); it is available at <http://www.dot.ca.gov/docs/ClimateReport.pdf>.

Table 4.4: Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO <sub>2</sub> Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & ITS Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	0.007	2.17
Mainstream Energy & GHG into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, California Environmental Protection Agency (CalEPA), CARB, California Energy Commission		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.45 0.0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	0.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5% limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 0.36	4.2 3.6
Goods Movement	Office of Goods Movement	CalEPA; CARB; Business, Transportation, and Housing Agency; MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
TOTAL					2.72	18.18

MMT = million metric tons

The following measures are also included in the project (as described in *Chapter 2* of this Final EIR/EIS) to reduce the GHG emissions and potential climate change impacts from the project:

1. Caltrans and the California Highway Patrol are working with regional agencies to implement ITS to help manage the efficiency of the existing I-5 highway system. ITS commonly consists of electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.
2. Park-and-ride facility installation or enhancement by Caltrans. In addition, Caltrans, SANDAG, participating corporations, and local governments are providing ridesharing services and park and ride facilities to help manage the growth in demand for highway capacity.
3. Landscaping reduces surface warming, and through photosynthesis, decreases CO<sub>2</sub>. The project proposes extensive landscaping within I-5 right-of-way (road edge and median, as appropriate), including shrubs and trees. This would help offset tons of CO<sub>2</sub> per year.
4. Use of energy efficient lighting, such as LED traffic signals. LED bulbs cost \$60 to \$70 apiece but last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which would also help reduce CO<sub>2</sub> emissions.<sup>10</sup>
5. According to Caltrans Standard Specifications, the contractor must comply with all of the local Air Pollution Control District's (APCD) rules, ordinances, and regulations in regards to air quality restrictions. Specifically, as noted in *Section 3.14* of this Final EIR/EIS, inactive construction equipment would not be allowed to idle for prolonged periods.

#### 4.6.6 Adaptation Strategies

"Adaptation strategies" refer to how Caltrans and others can plan for the effects of climate change on the State's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the transportation infrastructure in various ways, such as damage to roadbeds by longer periods of intense heat; increasing storm damage from flooding and erosion; and inundation from rising sea levels. These effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. There may also be economic and strategic ramifications as a result of these types of impacts to the transportation infrastructure.

At the federal level, the Climate Change Adaptation Task Force, co-chaired by the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA), released its interagency report on October 14, 2010 outlining recommendations to President Obama for how federal agency

<sup>10</sup> Knoxville Business Journal, "LED Lights Pay for Themselves," May 19, 2008 at <http://www.knoxnews.com/news/2008/may/19/led-traffic-lights-pay-themselves/>.



policies and programs can better prepare the United States to respond to the effects of climate change. The Progress Report of the Interagency Climate Change Adaptation Task Force recommends that the federal government implement actions to expand and strengthen the nation's capacity to better understand, prepare for, and respond to climate change.

Climate change adaptation must also involve the natural environment as well. Efforts are underway on a Statewide-level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

On November 14, 2008, former Governor Arnold Schwarzenegger signed EO S-13-08 which directed a number of State agencies to address California's vulnerability to sea level rise caused by climate change. This EO set in motion several agencies and actions to address the concern of sea level rise.

The California Natural Resources Agency (Resources Agency) was directed to coordinate with local, regional, State, and federal public and private entities to develop the California Climate Adaptation Strategy (December 2009),<sup>11</sup> which summarizes the best known science on climate change impacts to California, assesses California's vulnerability to the identified impacts and then outlines solutions that can be implemented within and across State agencies to promote resiliency.

The strategy outline is in direct response to EO S-13-08, which specifically asked the Resources Agency to identify how State agencies can respond to rising temperatures, changing precipitation patterns, sea level rise, and extreme natural events. Numerous other State agencies were involved in the creation of the Adaptation Strategy document, including the California Environmental Protection Agency; Business, Transportation and Housing; Health and Human Services; and the Department of Agriculture. The document is broken down into strategies for different sectors that include: Public Health; Biodiversity and Habitat; Ocean and Coastal Resources; Water Management; Agriculture; Forestry; and Transportation and Energy Infrastructure. As data continue to be developed and collected, the State's adaptation strategy will be updated to reflect current findings.

The Resources Agency was also directed to request the National Academy of Science to prepare a Sea Level Rise Assessment Report by December 2010<sup>12</sup> to advise how California should plan for future sea level rise. The report is to include:

- relative sea level rise projections for California, Oregon, and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge, and land subsidence rates;
- the range of uncertainty in selected sea level rise projections;
- a synthesis of existing information on projected sea level rise impacts to State infrastructure (such as roads, public facilities, and beaches), natural areas, and coastal and marine ecosystems; and
- a discussion of future research needs regarding sea level rise.

<sup>11</sup> <http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF>

<sup>12</sup> Pre-publication copies of the report, *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*, were made available from the National Academies Press on June 22, 2012. For more information, please see [http://www.nap.edu/catalog.php?record\\_id=13389](http://www.nap.edu/catalog.php?record_id=13389).

Prior to the release of the final Sea Level Rise Assessment Report, all State agencies that are planning to construct projects in areas vulnerable to future sea level rise were directed to consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information regarding local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge, and storm wave data.

Interim guidance has been released by The Coastal Ocean Climate Action Team (CO-CAT) as well as Caltrans as a method to initiate action and discussion of potential risks to the states infrastructure due to projected sea level rise.

All projects that have filed a Notice of Preparation (NOP) as of the date of the EO S-13-08, and/or are programmed for construction funding through 2013, or are routine maintenance projects may, but are not required to, consider these planning guidelines.

EO S-13-08 also directed the Business, Transportation, and Housing Agency to prepare a report to assess vulnerability of transportation systems to sea level rise affecting safety, maintenance, and operational improvements of the system and economy of the State. Caltrans continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Currently, Caltrans is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change effects, Caltrans has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once statewide planning scenarios become available, Caltrans will be able review its current design standards to determine what changes, if any, may be warranted in order to protect the transportation system from sea level rise.

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. Caltrans is an active participant in the efforts being conducted in response to EO S-13-08 and is mobilizing to be able to respond to the National Academy of Science Sea Level Rise Assessment Report.

The NOP for this project was filed prior to this EO (October 20, 2004), and if approved, will be in final design (rather than construction) through 2013. Although exempt from this requirement, sea level rise review relative to I-5 crossings of coastal lagoons and their primary tributaries was completed.

The following screening criteria were considered:

- Project design life, 20+ years
- Redundancy/alternative routes
- Anticipated travel delays
- Good movement/interstate commerce
- Evacuations/emergencies
- Traveler safety, in delaying the project to incorporate sea level rise design

- Expenditure of public funds
- Scope of project
- Interconnectivity issues with local streets and roads
- Environmental constraints, i.e., increase in project footprint into environmentally sensitive areas

The Ocean Protection Council adopted Statewide sea level rise values (*Table 4.5*), and a sea level rise interim guidance document in March 2011. Caltrans participated in the development of this first set of Statewide scenarios. This common set of values allows all State agencies to plan for sea level rise with the same assumptions. This document would be revised when the NAS releases their final sea level rise values, but in the interim, provided a standardized set of assumptions to use when projecting potential sea level rise effects.

**Table 4.5: Sea Level Rise Projections Using 2000 Baseline**

Year	Rise	Average of Models	Range of Models
2030	--	7 in	5-8 in
2050	--	14 in	10-17 in
2070	Low	23 in	17-27 in
	Medium	24 in	18-29 in
	High	27 in	20-32 in
2100	Low	40 in	31-50 in
	Medium	47 in	37-60 in
	High	55 in	43-69 in

For dates after 2050, *Table 4.5* includes three different values for sea level rise; based on low, medium, and high GHG emission scenarios. These values are based on the Intergovernmental Panel on Climate Change emission scenarios as follows: B1 for low projections, A2 for medium projects, and A1F1 for high projections.

The projected values show narrow ranges of rise for the relative short term and increasing ranges for time frames farther into the future. The scenarios predict fairly consistent values in the short term, but increasingly wide ranges of value in the longer term due to increasing uncertainty. These projections vary depending upon how quickly the international community reduces GHG emissions. There is no specific probability of occurrence for any of the projected scenarios—they represent different possible global climate conditions and the amount of projected sea level rise for the respective conditions.

*Predicted Consequences of Sea Level Rise on the I-5 NCC Project:* Section 3.9 of this Final EIR/EIS discusses lagoon and creek crossing hydrology/hydraulics, including the impacts anticipated during the 100-year flood event and projections of sea level rise for 2100. Preliminary design studies indicate ample freeboard to accommodate the 100-year flood event and projected 2100 sea level rise at all water crossings except Carmel Creek. At that location, there would be a deficiency of 0.7 foot of freeboard during a 100-year flood event. This represents a temporary build up of water east of I-5, however, and freeway access would be anticipated to be maintained.

*Application of the Screening Criteria to the I-5 NCC Project:* In considering the screening criteria listed above, the project design life is expected to be approximately 40 years (to 2050). I-5 is a critical route for commercial goods movement.

In the (unexpected) event that a tidal event inundates the freeway, there are several alternative routes to I-5 in this area. El Camino Real, less than a mile east of the freeway, is a parallel north-south route. Further east, I-15 is connected to I-5 by several local streets, as well as the SR-56, SR-76, and SR-78 freeways. These facilities could also serve as evacuation routes, if needed. The ITS elements of the existing facility and those proposed as part of the *I-5 NCC Project*, would improve real time responses to emergency situations. The anticipated travel delay from an event would be minor to moderate, lasting from a few hours to possibly a few days.

The addition of a new structure and raising the freeway approaches to the new structure would add millions to the project and ongoing additional maintenance for this area also would be incurred to support the raised approaches to the structure. It would also necessitate reconstructing portions of Carmel Valley Road west and east of the project, Sorrento Valley Road to the west, and possibly reconstructing the connections of El Camino Real and SR-56 to Carmel Valley Road. In addition to the above design and cost consideration, the redesign would increase the project footprint in the Carmel Valley area. The project would likely encroach into the habitat of CVREP to the west and Los Peñasquitos Lagoon to the west. It could also impact existing businesses immediately east of the freeway.

Further delays to implementing the project would cause longer travel times, increase congestion and possibly lead to additional accidents.

### **Adaptation Strategies**

Adaptation strategies to reduce the deficiency include removing existing sediment under the existing bridge at Carmel Valley Creek and temporary freeway closures. Alternative routes exist so that traffic could be rerouted during periods of minor to moderate inundation. Based on the results from the screening criteria discussion, the adaptation strategies are considered appropriate for the risk level identified.

## **4.7 Mitigation Measures for Significant Impacts under CEQA**

Supporting documentation of all CEQA resource evaluation is provided in *Chapter 3* of this Final EIR/EIS. Discussion of all impact avoidance, minimization, and/or compensation measures is under the appropriate topic headings in *Chapter 3*. Implementation of these measures would reduce significant impacts to below a level of significance under CEQA for Cultural Resources, Paleontological Resources, Hazards and Hazardous Materials, Noise, and Biological Resources (including Natural Communities; Wetlands and Other Waters; Plant, Animal, and Threatened and Endangered Species; and Conformance with Local Policies, Ordinances, and Conservation Plans). Significant project-level impacts to community character and cohesion would remain significant for the 10+4 Barrier alternative. Project-level and cumulative impacts to visual resources would remain significant and unmitigable under any of the build alternatives. All other project-related direct and cumulative effects would be reduced to below a level of significance through proposed design minimization, as described in *Chapter 3* and *Section 4.6* above. The avoidance, minimization, and mitigation measures are incorporated into the ECR, which comprises a program for reporting on or monitoring implementation of the measures, pursuant to CEQA Guidelines Section 15091(d).





# Chapter 5 – Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. The input and advice helps to determine the scope of environmental documentation, the level of analysis, potential impacts, mitigation measures, and related environmental requirements. Projects as large as the *I-5 NCC Project* benefit from federal, State, and local agency consultation and public participation. This participation has been accomplished through a variety of formal and informal methods, including: scoping meetings, project development team meetings, interagency coordination meetings, public meetings on the Draft and Supplemental Draft environmental documents, a Major Investment Study, and direct coordination with individuals regarding proposed project features as well as potential property impacts. Numerous community meetings with service groups, homeowners associations, and business organizations have helped gain an understanding of the public concerns as the project is developed. This chapter summarizes the results of Caltrans' and FHWA's efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

## 5.1 Project Scoping Process

In 2001, Caltrans held preliminary public scoping meetings, prior to environmental analysis, to introduce the project concept. These preliminary public scoping meetings were held on the following dates and locations:

- March 27, 2001 in Carlsbad
- April 17, 2001 in Encinitas
- May 16, 2001 in Del Mar
- June 21, 2001 in Oceanside

### ***Notice of Intent***

On January 12, 2004, a Notice of Intent (NOI) was published in the Federal Register in accordance with NEPA, to advise the public that the environmental document would be prepared and to provide supplementary information about the proposed action and alternatives. Comments and suggestions were invited from all interested parties. The NOI was issued on January 5, 2004, for a 30-day review period. A copy of the NOI is included as *Figure 5-1.1*, below.

Comments on the NOI were received from the following:

- USEPA (concerns focused on establishment of purpose and need; impacts to water resources, biological resources, and air quality; impacts to cultural resources; impacts to environmental justice communities; and analysis of cumulative impacts)
- USFWS (requested in-depth discussion on a range of reasonable project alternatives that avoid or lessen significant effects of the proposed project; address consistency with habitat conservation plans; address edge-effects; address construction and operational noise levels; and discuss BMPs)

The formal scoping meetings were held in 2004 at the following locations:

- January 7, Carlsbad Library - George and Patricia Gowland Meeting Room - 1775 Dove Lane

- January 13, Oceanside High School - Multi Purpose Room - 100 S. Horn Street
- January 27, Encinitas Community Center - Room 142B - 1140 Oakcrest Park Drive
- February 10, Solana Beach City Hall - Council Chambers - 635 South Coast Highway 101
- February 17, Del Mar City Hall - Council Chambers Room 1050 Camino Del Mar
- March 2 San Diego - Westfield Shopping Town UTC - Forum Hall behind Wells Fargo Bank

### **Notice of Preparation**

On October 20, 2004, a Notice of Preparation (NOP) was filed with the State Clearinghouse and San Diego County Clerk, and distributed to appropriate State and local agencies and organizations. The review period for the NOP was from October 20 to December 14, 2004. Copies of the NOP are included as *Figures 5-1.2a* and *5-1.2b*, below.

Comments on the NOP were received from the following:

- USFWS (requested an in-depth alternatives analysis; identification and consideration of listed and sensitive wildlife species and other biological resources within and adjacent to the project area, as well as associated impact avoidance; discussion of the project's consistency with applicable habitat conservation plans; identification and discussion of edge effects and applicable best management practices)
- CCC (requested an in-depth alternatives analysis, specifically other modal alternatives, and to focus on impact avoidance and restoration to sensitive resources)
- California Department of Fish and Wildlife (CDFW; previously California Department of Fish and Game) (requested in-depth discussion on a range of reasonable project alternatives that avoid or lessen significant effects of the proposed project; address consistency with habitat conservation plans; address edge-effects; address construction and operational noise levels; and discuss BMPs)
- City of San Diego Councilman Scott E. Peters (requested examination of alternative routing for the proposed LOSSAN rail expansion project)
- City of San Diego (requested that a waste management plan be prepared for the project prior to demolition or grading in consultation with the City of San Diego Environmental Services Department and consideration of recycled water use for landscaping irrigation)
- City of Del Mar (concerned with wetland and traffic impacts; requested traffic improvements/modifications at various intersections)
- City of Solana Beach (requested analysis of four additional alternatives and study and installation of sound attenuation during environmental review, planning, and design)
- City of Carlsbad (requested notification of the availability of the Draft EIR)
- San Dieguito Lagoon Committee (requested in-depth analysis of wetland, floodway, and floodplain impacts; a mitigation program for potential impacts; and discussion of project alternatives)
- NAHC (requested various actions to identify and mitigate project-related impacts on cultural resources)
- Willow Design, Inc. (proposed a conceptual study of two independent "side-by-side" freeways)
- Faye Detsky-Weil (concerned with increased traffic and decreasing quality of life, lack of transit alternatives, and right-of-way takes)
- Morton Printz (requested an extension of the public comment period)

### **Additional Project Outreach**

Two newsletters were sent out and/or made available to the public. The first edition was mailed directly to more than 100,000 addresses within one mi east or west of the freeway. A postcard was also sent out to the same area informing residents that the second edition of the newsletter, along with additional project information, was available on the project web site at [www.keepsandiegomoving.com](http://www.keepsandiegomoving.com). The project web site has been frequently updated providing accurate and timely information to anyone who is interested. Additional non-traditional outreach occurred by posting Scoping Meeting flyers in Spanish/English language at various establishments including: libraries, Mexican markets, churches, schools, chambers of commerce, city halls, senior centers, community centers, Boys & Girls Club, Headstart Center. Representatives from the Environmental and Public Information branches also attended Farmers Markets and Food Court locations along the corridor to discuss the project and upcoming scoping meetings with interested freeway users. Please see Section 8.1 Community Outreach, of the Community Impact Assessment for a more thorough list of outreach efforts.

Prior to formal scoping activities described in *Section 5.1*, above, community interaction was sought through informational meetings between December 1997 and January 1998 as part of the North Coast Transportation Study that served as the MIS developed in partnership with SANDAG. After completion of the MIS and the PSR (PDS) in 2000, four informational meetings were held between March and June 2001 in Del Mar, Solana Beach, Carlsbad, and Oceanside. In October 2000, representatives from SANDAG, city staff, and private citizens met with Caltrans project team members to begin the process of identifying opportunities for enhancement features to integrate natural and cultural resources into freeway improvements. Basic functions of the study were identified as intended to “enhance visual characteristics” and “preserve community character.” The team developed 71 enhancement strategies to support these functions that were presented to elected officials of each city. As part of community enhancement planning, public input was solicited at the following meetings:

- In San Diego on April 19, 2006 at the Sycamore Ridge School
- In Encinitas on August 23, 2005 at the Paul Ecke Central Elementary School
- In Encinitas on August 24, 2005 at Encinitas City Hall
- In Encinitas on August 25, 2005 at Cardiff Elementary School
- In Carlsbad on May 2, 2006 at the City of Carlsbad
- In Oceanside on June 20, 2006 at the City of Oceanside

Since 2004, Caltrans Project Management for the *I-5 NCC Project* has attended meetings, conducted surveys, presented handouts/mailers, and given presentation to local communities and planning groups; homeowners associations; chambers of commerce; city council meetings; and local politician sponsored meetings in an effort to update interested parties and the public on the status of the project. These meetings allowed communities to review project information on proposed the 10+4 and 8+4 alternatives and provide informal public input.

In 2004, additional project outreach was held on the following dates and locations:

- January 7, 2004 in Carlsbad
- January 13, 2004 in Oceanside
- January 27, 2004 in Encinitas
- February 10, 2004 in Solana Beach
- February 17, 2004 in Del Mar
- March 2, 2004 in San Diego

The following concerns were identified:

- Purpose, need, and location for potential widening
- Private property impacts
- Community cohesiveness
- Traffic, pedestrian, and bicycle
- Noise
- Growth
- Parks and views, including the sewer treatment plant
- Resource impacts: biological resources (including lagoons), air quality, and water quality
- Cumulative impacts

As noted above, meetings were held from January 2005 to October 2006 with Caltrans, SANDAG, and/or council and staff members of the cities to identify development opportunities and constraints for the project as part of the I-5 North Coast Community Enhancement Plan.

These meetings were held on:

- February 22, 2005, and January 12, 2006, with the City of San Diego
- January 18, 2005, and October 10, 2006, with the City of Del Mar
- February 4, 2005, and July 6, 2006, with the City of Solana Beach
- February 2, 2005, June 22, 2005, March 21, 2006, and July 10, 2006, with the City of Encinitas
- January 21, 2005, November 22, 2005, January 31, 2006, and July 6, 2006, with the City of Carlsbad
- March 2, 2005, May 15, 2006, July 6, 2006, and December 19, 2006, with the City of Oceanside

In addition, monthly traffic working meetings occurred from February 2005 to January 2007 between Caltrans staff, city engineers, and planning personnel.

## 5.2 Hearings on the Draft and Supplemental Draft EIR/EIS

In 2010, five public hearings were held in the open-house format to present details about the proposed project design, the alternatives being considered, and findings from the environmental studies, as identified in the Draft EIR/EIS prepared for the project. The hearings were held on the following dates and locations:

- July 27, 2010 at the Encinitas Community and Senior Center in Encinitas
- August 3, 2010 at the Westfield University Town Center Forum Hall in San Diego
- August 17, 2010 at the Faraday Center in Carlsbad
- August 24, 2010 at Skyline Elementary School in Solana Beach
- September 9, 2010 at the Oceanside High School Multipurpose Room in Oceanside

Following public circulation and review of the Draft EIR/EIS, numerous comments were received from members of the public and public agency representatives requesting:

- Updates on studies by others regarding North County lagoons that were in draft form or being implemented when the Draft EIR/EIS was released
- Clarification of specific impact and avoidance/minimization/mitigation measures related to lagoons crossed by the I-5 right-of-way

A Supplemental Draft EIR/EIS was prepared and circulated in August through October 2012. The document focused on lagoon bridge optimization studies completed between 2010 and 2012, and refined lagoon bridge design based on those studies. Issues related to regional and community enhancements, water quality and sea level rise review were also refined in the document. A public hearing on that document was held in the open-house format on September 19, 2012 at the Encinitas Community and Senior Center.

Verbal and written comments were submitted at the hearings, and were also received during the public review period of the Draft EIR/EIS (a total of 5,332 comments) and Supplemental EIR/EIS (a total of 337 comments), and are addressed in full in this Final EIR/EIS.

### 5.3 Project Development Team Meetings

An *I-5 NCC Project* PDT was assembled by Caltrans and FHWA in 2000 to serve as the technical advisory committee and internal decision-making body for the project. The PDT consists of both Caltrans staff representatives from Program Management and the various technical divisions (such as Environmental Planning, Design, Right of Way, etc.), FHWA, and representatives from other interested agencies. The PDT met (and continues to meet) monthly during the course of project development as issues arise requiring technical direction or resolution.

Agencies participating in the PDT include:

- USEPA
- USFWS
- USACE
- NOAA/NMFS
- CDFW
- CCC
- RWQCB
- SANDAG

Caltrans, SANDAG, and the Cities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside also worked closely as partners in the development of the proposed project.

#### **Cooperating Agencies**

There is a need for early coordination and cooperation with federal, State, and local agencies. According to CEQ 40 CFR 1508.5, "cooperating agency" means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. Upon request of the lead agency, any federal agency with jurisdiction by law shall be a cooperating agency. Any other federal agency with special expertise with respect to any environmental issue may be a cooperating agency. An agency may request to be designated as a cooperating agency. *Table 5.1* below identifies the cooperating agencies coordination, particularly focused on the NEPA-Section 404 Integration Process discussed in more detail in *Section 5.4*.

On April 27, 2004 FHWA invited USEPA, USFWS, USACE, and NOAA/NMFS to become cooperating agencies. On May 20, 2004 USEPA declined invitation to participate as a cooperating agency, since USEPA is participating via the NEPA 404 MOU process (see *Section 5.4*). FHWA received agreement to participate as a cooperating agency from USFWS, USACE, and NOAA/NMFS.



On May 3, 2010 FHWA sent an invitation and subsequently received agreement to participate as a cooperating agency from the U.S. Coast Guard. In a letter dated December 13, 2012 (*Figure 5-3.1*), the U.S. Coast Guard notified Caltrans that bridges proposed over the following waterways would meet the criteria for Advance Approval of bridges pursuant to 33 CFR 115.70, and no individual Coast Guard permits would be needed for them because these waterways are not navigated by anything larger than small motorboats: San Diego River, Los Peñasquitos Lagoon and River, San Dieguito Lagoon, San Elijo Lagoon, Batiquitos Lagoon, and Agua Hedionda Lagoon. The letter also stated that the I-5 bridge crossings of the following waterways are located on reaches of the waterways considered to be non-navigable and therefore, under the provisions of the Coast Guard Authorization Act of 1982, do not require Coast Guard involvement for bridge permit purposes: Buena Vista Lagoon, San Luis Rey River, Carmel Valley Creek, and Loma Alta Creek.

## 5.4 NEPA – Section 404 Integration Process

On December 10, 2004, Caltrans signed an interagency MOU committing to integrate NEPA and Section 404 of the Clean Water Act in transportation planning, programming, and implementation stages for federal aid surface transportation projects requiring a Permit under Section 404. Under the MOU process, the FHWA, USFWS, NOAA/NMFS, USACE, and USEPA were asked to concur on the following two checkpoints: (1) Purpose and Need Statement, and (2) identification of the range of alternatives and consideration of the criteria used to select and analyze the range of alternatives to be studied in the EIR/EIS. The Preliminary LEDPA Determination and Conceptual Mitigation Plan were identified as issues to be discussed for concurrence after document circulation.

The consolidation of these processes provide for more timely decision making while improving the overall quality of those decisions. Caltrans coordination efforts included inviting for consultation non-signatory State regulatory agencies: the CDFW, CCC staff, and the RWQCB to implement the MOU. Letters concurring on the project purpose and need, screening criteria, and the range of alternatives under study were received from USFWS, NOAA/NMFS, USACE, and USEPA (*Figures 5-4.1 through 5-4.12*). *Table 5.1* provides the dates of the NEPA/404 meetings held during the project development process.

As anticipated, concurrence regarding the LEDPA Determination and Conceptual Mitigation Plan was the subject of coordination following circulation of the Draft EIR/EIS. Refinement of the 8+4 Buffer alternative (identified as the locally preferred alternative, or LPA, in 2011, and currently identified as the Preferred Alternative) was integral to these discussions. Letters of concurrence on the Preliminary LEDPA and the Conceptual Mitigation Plan (Resource Enhancement and Mitigation Program [REMP]) were received from USFWS, NOAA/NMFS, USACE, and USEPA (*Figures 5-4.13 through 5-4.16*) on the dates indicated in *Table 5.1*. Coordination efforts related to lagoon bridge optimization studies and resolution of project-related issues between November 2010 and release of this Final EIR/EIS are included in *Table 5.1*.

**Table 5.1: NEPA/404 Consultation and Coordination**

Date	Topic(s)
11/12/2003	Kickoff Meeting
03/03/2004	Meeting discussed: Purpose and Need
04/20/2004	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, and Project Alternatives
05/20/2004	Received USEPA letter that declined FHWA's invitation to participate as a cooperating agency, since USEPA is participating via the NEPA 404 MOU process
07/28/2004	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration, and list of proposed projects with independent utility and logical termini (I-5 / SR-56 and I-5 / Lomas Santa Fe Drive)
09/28/2004	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, and Project Alternatives
11/02/2004	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, and Project Alternatives
December and January 2005	Concurrence with Purpose and Need: USACE 1/19/2005; USEPA 1/10/2004[sic]; USFWS 1/3/2005; NOAA 12/17/2004
01/20/2005	Field Review. Purpose and Need, Criteria for Alternative Selection, and Project Alternatives
03/23/2005	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, and Biological resources
04/27/2005	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration for mitigation plan and Proposed projects with independent utility and logical termini (I-5 HOV Extension and I-5 / Genesee Avenue Interchange projects)
May and June 2005	Concurrence with Screening Criteria: USACE 6/29/2005; USFWS 5/25/2005; USEPA 5/23/2005; NOAA 5/19/2005
09/13/2005	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration for mitigation plan
October 2005	Concurrence with I-5 / Genesee Avenue Interchange Improvements Project as independent from the I-5 NCC Project. USFWS 11/1/2005; USACE 10/26/2005; USEPA 10/26/2005; NOAA 10/21/2005
11/15/2005	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration for mitigation plan
11/15/2005	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration for mitigation plan
01/19/2006	Meeting discussed: Lagoon Restoration and Coastal Habitat
03/30/2006	Meeting discussed: Lagoon restoration, Opportunities and Constraints for future community enhancements
06/06/2006	Meeting discussed: Purpose and Need, Criteria for Alternative Selection, Project Alternatives, Lagoon Restoration for mitigation plan and Proposed projects
08/01/2006	Meeting discussed: Geotechnical investigation, Coastal access, and lagoon restoration
August 2006	Concurrence with Range of Alternatives: USEPA (not dated); USFWS 8/24/2006; USACE 8/21/2006; NOAA 8/7/2006
09/21/2006	Meeting discussed: San Diego Bay National Wildlife Refuge Comprehensive Conservation Plan - Habitat Enhancement and Restoration Proposals
06/06/2007	Meeting discussed: Lagoon restoration, proposed projects with independent utility and logical termini (I-805 DAR with HOV Extension), and CMIA discussion
July 2007	Concurrence with I-805 DAR with HOV Extension as independent from the I-5 NCC Project; NOAA 7/10/07; USFWS 6/6/2007; Verbal at meeting 5/22/08 USEPA and USACE

**Table 5.1 (cont.): NEPA/404 Consultation and Coordination**

Date	Topic(s)
05/22/2008	Meeting discussed: I-5 NCC Project status, status of other projects along I-5, coordination with mass transit and not to preclude LOSSAN, lagoons, and wildlife corridors
09/23/2010	Field review of the North Coast Corridor by Caltrans and EPA staff
10/28/2010	Dr. Michael Josselyn presented a summary of findings based on Phase 2 lagoon bridge optimization studies (Wetland Enhancement Opportunities Using the Hydrodynamic Approach by Optimization of Bridges Over San Diego Region Coastal Lagoons). Caltrans provided an update on the project and NEPA/404 Memorandum of Understanding (MOU) process
11/23/2010	Caltrans and EPA coordination regarding the Draft EIR/EIS
12/07/2010	Caltrans and EPA additional coordination regarding the Draft EIR/EIS
01/26/2011	Caltrans provided updates on the NEPA/404 MOU process and project Public Works Plan (PWP), and an overview of the Regional Transportation Plan (RTP). Discussion of the project Mitigation Plan. Caltrans requested concurrence on details of Encinitas Boulevard interchange improvements
03/30/2011	Discussion regarding scope of Supplemental Draft EIR/EIS (SDEIR/EIS) and the locally preferred alternative (LPA)
04/27/2011	Caltrans provided an update on the NEPA/404 MOU process and PWP, as well as an overview of the RTP. Discussion of the Mitigation Plan. Caltrans requested concurrence on details of the Encinitas Boulevard interchange improvements
06/01/2011	Concurrence reached on I-5/Encinitas Boulevard interchange improvements; update on NEPA/404 MOU process. Review of I-5 bridges, mitigation summary table information for 10+4 w/barrier and 8+4 w/buffer design alternatives, and a sample format for lagoon bridge summary analysis (using Agua Hedionda Lagoon Bridge). Discussion of the outline for the SDEIR/EIS
07/06/2011	Discussion of the LPA, project direct access ramps (DARs), and construction phasing
08/11/2011	Caltrans provided updates on optimization studies for the six lagoons, as well as the SDEIR/EIS and LPA refinement
09/15/2011	Agua Hedionda Lagoon discussion with focus on lagoon bridge summary matrix with justification for bridge lengths, and request for concurrence. Discussion of trails and opportunities at Agua Hedionda. Caltrans provided updates on lagoon bridge optimization studies and on the SDEIR/EIS
11/09/2011	Review of other ongoing projects. Updates provided for I-5 / Genesee, I-5 / SR-56, and I-5 / Encinitas interchanges, the SDEIR/EIS, and bridge length optimization studies at the lagoons. Review of a mitigation site assessment template using the Hallmark property. Concurrence/approval received on the Agua Hedionda lagoon bridge matrix and justification paper. Presentation of Los Peñasquitos and San Dieguito bridge justification papers and matrices
12/15/2011	Review of mitigation site assessment template for Hallmark and La Costa properties, as well as bridge justification papers and matrices for San Dieguito, Los Peñasquitos, and Agua Hedionda Lagoons
01/19/2012	Review of SDEIR/EIS Chapter 1
02/16/2012	Review of SDEIR/EIS outline and revised project analysis key (summarizing agency comments and documents which address the response). Discussion of agency comments on SDEIR/EIS Chapter 1. Presentation of I-5 North Coast Bikeway concept and discussion of Carmel Creek field trip
02/29/2012	Caltrans and USEPA coordination regarding topics to be covered in the SDEIR/EIS
04/12/2012	Agencies provided comments on the SDEIR/EIS and team discussion of document content continued
July 2013	Caltrans and USACE coordination regarding LEDPA and USACE permit
05/24/2012	Review of project mitigation package and mitigation parcel evaluations

**Table 5.1 (cont.): NEPA/404 Consultation and Coordination**

Date	Topic(s)
06/21/2012	Continued discussion of Resource Enhancement Program (REP)**/project mitigation package, introduction of Draft Design Guidelines
07/19/2012	Continued discussion of REP**/project mitigation package
09/20/2012	Discussion of REP** elements, timing and funding, and identification of preliminary LEDPA
09/27/2012	RWCQB, USACE, SANDAG, and Caltrans discussion regarding USACE permitting process and mitigation. Consensus reached on use of a programmatic individual permit and banking agreement.
10/09/2012	Agency review of comments on SED
10/18/2012	REP** mitigation detail and discussion of Draft Design Guidelines
12/06/2012	Ongoing PWP/TREP development to support CCC permitting process, REP** discussion of temporary impacts, performance standards, and endowments
01/24/2013	Review of REP** comments, initiation of LEDPA and REP** concurrence discussions.
02/28/2013	Continued discussion of REP** comments
03/28/2013	Continued discussion of REP** comments
04/18/2013	Continued discussion of REP** comments and Draft Final EIR/EIS
04/29/2013	Caltrans requested concurrence on the Preliminary LEDPA and the REMP
June 2013	Final review and coordination on the REMP
May-July 2013	Concurrence received on Preliminary LEDPA and REMP: NOAA/NMFS 05/28/2013; USEPA 06/10/2013; USFWS 06/18/2013; USACE 07/15/2013;

\* Unless otherwise specified, each meeting was attended by staff from each of the following agencies: USACE, CCC, CDFW, USEPA, NOAA/NMFS, RWQCB, SANDAG, and USFWS.

\*\* The REP is now referred to as the Resource Enhancement and Mitigation Program (REMP)

## 5.5 Additional Consultation and Coordination with Public Agencies

As indicated in *Sections 5.1 through 5.4*, considerable coordination has occurred with both public resource and regulatory agencies throughout the environmental review process beginning in 2001. FHWA and Caltrans have worked closely with representatives of various federal, State, regional, and local agencies. The agencies were formally or informally contacted and consulted during the preparation of the environmental analysis.

Since 2007, SANDAG and Caltrans, in coordination with CCC staff, have met bi-monthly to advance the PWP/TREP. The PWP/TREP meetings were designed to continue the process that would maintain and improve transportation facilities within the I-5 North Coast Corridor and address coastal resource impacts on a project-by-project basis. The PWP/TREP provides a planning, analytical, and implementation mechanism to address improvements throughout the corridor as a system consistent with the policies of the Coastal Act. A CCC staff member was assigned full-time for this project and has attended the bi-monthly PWP/TREP meetings.

### **Stakeholder Outreach and Coordination**

Initial opportunities and constraints meetings with city staff are discussed above under the heading “Additional Project Outreach” in *Section 5.1*. In addition to meetings with city staff and elected officials, meetings have also occurred with other North Coast Corridor stakeholder groups, including but not limited to lagoon foundations, community planning groups, chambers of commerce, members of the public, and local school districts. A series of stakeholder meetings were held relating to community enhancements to provide project information, address project status, and obtain specific input on issues under their purview. Following

circulation of the Draft EIR/EIS in 2010, additional input was received from stakeholders (see Appendix H of this Final EIR/EIS), and coordination regarding additional project refinement was reinitiated. These meetings are summarized in *Table 5.2*.

**Table 5.2: Stakeholder Outreach and Coordination**

Date	Organization	Topic(s) and/or Purpose of Meeting
12/05/2005	City of Carlsbad, Lennar Corporation, SDG&E	Cannon Road DAR
12/16/2005	Batiquitos Lagoon Foundation	Opportunities and Constraints Analysis – discuss community enhancement projects around Batiquitos Lagoon
01/26/2006	San Dieguito Park Joint Powers Authority	Conceptual community enhancement projects proposed for City of San Diego
01/27/2006	City of San Diego – Parks and Rec Department, Torrey Pines State Reserve	Conceptual community enhancement projects proposed for City of San Diego
02/03/2006	City of San Diego Trails Manager	Discuss potential trail connections
02/14/2006	Agua Hedionda Lagoon Foundation, Carlsbad Watershed Alliance	Opportunities and Constraints Analysis – discuss community enhancement projects around Agua Hedionda Lagoon and Batiquitos Lagoon
02/14/2006	Carmel Valley Community Planning Group	Conceptual community enhancement projects proposed for City of San Diego
02/21/2006	Torrey Hills Community Planning Group	Conceptual community enhancement projects proposed for City of San Diego
03/09/2006	Torrey Pines Community Planning Group	Conceptual community enhancement projects proposed for City of San Diego
03/21/2006	City of Carlsbad Council Members	Conceptual community enhancement projects proposed for City of Carlsbad
03/29/2006	Agua Hedionda Lagoon Foundation	Opportunities and Constraints Analysis – discuss community enhancement projects around Agua Hedionda Lagoon
06/07/2006	City of Oceanside, Oceanside High School, Oceanside Superintendent of Schools	Opportunities and Constraints Analysis – discuss community enhancements at Mission Avenue near Oceanside High School
04/22/2011	Quarterly Stakeholders Group	Meeting with NCC stakeholders
05/06/2011	Equinox Center Symposium	I-5 debate between Senator Kehoe and Laurie Berman of Caltrans
06/24/2011	Quarterly Stakeholders Group	Meeting with NCC stakeholders
09/13/2011	San Diego Regional Chamber of Commerce	Presentation to the Public Policy Committee
10/17/2011	City of San Diego, District 1	Team briefed councilmember on I-5 / Genesee interchange project, as well as NCC program
10/25/2011	Carlsbad Chamber of Commerce	Presentation to Land Use and Transportation Committee
11/01/2011	California Coastal Commission	Briefing with executive director
11/01/2011	California Coastal Commission	Presentation to Road's Edge Subcommittee



**Table 5.2 (cont.): Stakeholder Outreach and Coordination**

Date	Organization	Topic(s) and/or Purpose of Meeting
11/07/2011	Caltrans	Briefing with director on upcoming coastal permit process and role of outreach
11/17/2011	Leadership North County	Presentation to Land Use and Transportation Committee
12/01/2011	Oceanside Chamber of Commerce	Presentation to the Public Policy Committee
01/05/2012	San Diego North Economic Development Council	Meeting with Public Policy Committee
01/10/2012	Batiquitos Lagoon Foundation	Meeting with Foundation president to discuss NCC status and next steps
01/10/2012	San Dieguito River Park	Meeting with deputy director to discuss NCC status and next steps
01/12/2012	Golden Triangle Transportation Forum	Presentation made to forum participants about ongoing and proposed transportation projects in the area
01/13/2012	San Elijo Lagoon Conservancy	Briefing with Conservancy executive director about NCC status/next steps
01/19/2012	California State Assembly, District 74	Briefing with assembly member about NCC program
01/25/2012	California Senate, 39th District	Briefing with policy director of Senator Kehoe's office
01/30/2012	Prevent Los Angeles Gridlock Usurping the Environment (PLAGUE)	Briefing on NCC status/next steps
02/01/2012	California State Assembly, District 74	Materials requested during 1/19/2012 meeting with District 74 assembly member were provided
02/02/2012	Los Peñasquitos Lagoon Foundation	Meeting with California State Parks (lagoon stakeholder) and Foundation representative
02/03/2012	San Dieguito River Park	Briefing with executive director and the Citizens Advisory Committee on NCC status/next steps
02/07/2012	Agua Hedionda Lagoon Foundation	Presentation to executive director and the Board of Directors on NCC status/next steps
02/14/2012	City of San Diego, staff	Meeting regarding local coastal plan (LCP) process
02/15/2012	City of Oceanside, staff	Meeting regarding LCP process
02/15/2012	City of Del Mar, planning staff	Meeting with City planning manager regarding LCP process
02/17/2012	San Dieguito River Park	Briefing to Joint Powers Authority Board about NCC status/next steps
03/07/2012	California Coastal Commission	Presentation to the CCC about NCC status/next steps
04/04/2012	Buena Vista Lagoon Foundation	Briefing with Foundation executive director and president about NCC status/next steps
10/23/2012	Del Mar Hills Academy	Briefing with Superintendent, Assistant Superintendent, and school Principal on NCC status/next steps
11/15/2012	North County Bicycle Committees	Discussion of I-5 NC Bike Trail
03/28/2013	San Dieguito River Park	Discussion with Joint Powers Authority regarding connection to the NC Bike Trail connection
04/03/2013	CDFW, County of San Diego and San Elijo Lagoon Conservancy	Section 4(f) concurrence discussion
08/01/2013	County of San Diego	Section 4(f) concurrence discussion on San Elijo

### **Concurrence with Proposed Section 4(f) De Minimis Use**

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) amends existing Section 4(f) legislation to allow the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, State, or local significance; wildlife or waterfowl refuges; or lands from an historic site of national, State, or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (included in the public comment period for the *I-5 NCC Project* Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must: a) with regard to historic properties, concur, in writing, with FHWA's proposed finding of 'no adverse effect' or 'no historic properties affected' in accordance with 36 CFR part 800; or b) in the case of parks, recreation areas, and wildlife and waterfowl refuges, concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]). To comply with Section 6009(a), FHWA and Caltrans are coordinating with the SHPO, who has jurisdiction over the two historic Built Environment 4(f) resources, and informed them that the proposed project's use of the 4(f) resource is being considered for a *de minimis* finding. Two of these historic properties would not be adversely affected. The Section 4(f) resources are summarized in *Section 3.1.3* and *Section 3.8*, and detailed in Appendix A.

The PDT was assembled by Caltrans and FHWA in 2000 to serve as the technical advisory committee and internal decision-making body for the project. This monthly PDT consists of Caltrans staff, Caltrans staff on behalf of FHWA, and representatives from other public agencies including USFWS, USACE, NOAA/NMFS, CDFW, RWQCB, CCC, SHPO, NAHC, Camp Pendleton, and the Cities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. FHWA and Caltrans have undertaken extensive efforts to integrate the proposed project with the adjacent/adjoining cities. There were several community meetings held within the project area, as well as formal and informal consultations with the cities and jurisdictions. Coordination occurred within these meetings throughout the development of the project that informed officials with jurisdiction over a specific resource that potential use of the resource is proposed. The proposed *de minimis* determinations were prepared in consultation with the agencies having jurisdiction over the resources and centered on a) significance of the property, b) primary purpose of the land, c) proposed use and impacts, and d) proposed measures to avoid and/or minimize harm. Efforts between FHWA, Caltrans, and these cities to work cooperatively and to avoid conflicts with State transportation facilities are ongoing. Written concurrence has been received from various officials that the project is either exempt from Section 4(f) or would not adversely affect properties proposed for a *de minimis* impact finding, as summarized below.

- For the San Dieguito River Park, Caltrans received an email on May 22, 2013 noting that the SDRP administrator (the JPA) concurs that the "impact" associated with connecting the trails would be beneficial in nature and is therefore exempt from Section 4(f) per 23 CFR 744.13(g) (*Figure 5-5.1*).
- For the San Elijo Lagoon Ecological Reserve, concurrence in a Section 4(f) *de minimis* finding was received from the CDFW on August 30, 2013, from the County of San Diego on September 10, 2013, and from the San Elijo Lagoon Conservancy on August 12, 2013 (*Figures 5-5.2 through 5-5.4*).

- For Agua Hedionda Lagoon, concurrence in a Section 4(f) *de minimis* finding was received from the City of Carlsbad on May 06, 2013 (*Figure 5-5.5*).

Other communication regarding park and recreational properties includes the following:

- For Oak Park, an email received from the City of Carlsbad on February 21, 2013 concurs that this facility is considered a Special Use Area, without significant recreational use.
- For Pio Pico Park, an email received from the City of Carlsbad on February 21, 2013 concurs that this facility is considered a Special Use Area, without significant recreational use.
- For Cottonwood Creek Park, an email received from the City of Encinitas on March 8, 2013 concurs that the impacts are temporary occupancy of the land and exempt as defined by 23 CFR 774.13(d).
- For Paul Ecke Park, an email received from the City of Encinitas on September 16, 2013 concurs that the impacts would be temporary occupancy of the land and exempt as defined by 23 CFR 774.13(d).

### **State Historic Preservation Officer Coordination (SHPO)**

As required by federal and State law, an agency must take into account how its undertaking may affect historic properties/historical resources listed in or eligible for listing in the NRHP and the CRHR. The SHPO is the primary consulting agency that FHWA and Caltrans must coordinate with for concurrence determinations on eligibility and project effects to eligible resources. The HPSR is submitted to the SHPO to: (1) document the Native American consultation efforts; (2) identify cultural resources within a project's APE; (3) seek its concurrence with NRHP and CRHR eligibility determinations; (4) identify project effects to eligible resources; and (5) propose methods to resolve adverse effects to eligible resources. SHPO consultation and coordination is summarized in *Table 5.3*.

**Table 5.3: SHPO Consultation and Coordination**

Date	Topic(s)
03/16/2007	Caltrans submits HPSR and technical studies to SHPO for review and concurrence with eligibility determinations
04/29/2007	SHPO requests 30-day extension to complete HPSR review
07/02/2007	No SHPO response; Caltrans notifies SHPO it is moving forward in the Section 106 process
12/04/2007	Caltrans submits FOE document to FHWA for review
12/27/2007	FHWA concurs in FOE findings and forwards document to SHPO for its review
03/17/2008	SHPO comments on FOE findings (see <i>Figure 5-5.6</i> )
04/14/2010	Caltrans submits Notification of No Adverse Effects with Standard Conditions-(ESAs) to SHPO
05/12/2010	SHPO agrees that No Adverse Effects with Standard Conditions (i.e., ESAs) would suitably protect archaeological sites for biological mitigation activities (see <i>Figure 5-5.7</i> )
07/01/2013	Caltrans notifies FHWA of APE revisions and requests FHWA to consult with SHPO (see <i>Figure 5-5.8</i> )
07/12/2013	FHWA notifies SHPO of APE revisions and requests SHPO concurrence with Finding of No Adverse Effect (see <i>Figure 5-5.9</i> )
09/11/2013	SHPO concurs with Finding of No Adverse Effect without standard conditions (see <i>Figure 5-5.10</i> )

### **U.S. Fish and Wildlife Service**

Early coordination with the USFWS took place in order to determine sensitive species within the project area. The USFWS provided this information regarding listed endangered, threatened, and proposed species within the area in letters dated January 26, 2005 and November 13, 2007 (see *Figure 5-5.11*), and confirmed continued accuracy of the listing during September 23, 2013 coordination with Sally Brown of the USFWS. The USFWS also provided a Biological Opinion for the *I-5 NCC Project*, dated December 31, 2012, which reviews the project's effects on federally listed species and critical habitat in accordance with Section 7 of the Endangered Species Act of 1973, and also summarizes the extensive coordination between Caltrans and the USFWS (see Appendix O).

### **Native American Heritage Commission and Native American Coordination**

Consultation with NAHC, and appropriate tribes, and Native American individuals has been ongoing since the earliest days of the project dating back to 2002, when the first archaeological survey for the project was undertaken (*Table 5.4*). Consultation would continue until all project-related activities have been completed.

**Table 5.4: NAHC and Native American Consultation and Coordination**

<b>Date</b>	<b>Topic(s)</b>
2002 through 2006	Native American tribes contacted to provide monitors for archaeological test excavations; monitors present during all subsurface excavation efforts
11/02/2004	NAHC reply; sacred lands search is negative; a list of contacts is provided
08/05/2005	Manzanita Band of the Kumeyaay Nation contacts Caltrans; requests monitors be present during any subsurface investigations
11/14/2005	Caltrans requests an updated list of appropriate Native American groups/individuals in the project region
11/20/2005	Kwaaymii/Laguna band monitors Carmen Lucas sends CA-SDI-16639 letter and photographs from monitoring effort
12/04/2005	Kumeyaay Monitor Clint Linton sent letter documenting monitoring effort for site CA-SDI-4553
12/18/2005	Kwaaymii/Laguna band monitors Carmen Lucas sends CA-SDI-12121 letter and photographs from monitoring effort
01/13/2006	Letters sent to tribes/individuals identified by NAHC seeking their input on information regarding cultural issues within the project's footprint
01/20/2006	Pala Band of Mission Indians replies; informs Caltrans project is outside their traditional territory
01/26/2006	Native American Cultural Resource Consultation replies; requests Native American monitors be present during construction
03/12/2006	Soboba Band of Mission Indians replies; suggests consultation with other Luiseño tribes closer to the project area
07/27/2006	Caltrans meets with Mel Vernon a Luiseño Educator and Ruth Calac a Luiseño, to discuss project, avoidance procedures, and the interpretive display at the scenic overlook
09/22/2006	Kwaaymii/Laguna Band of Indians sends Caltrans Native American monitor report for CA-SDI-17928
12/14/2006	Caltrans letter to KCRC; request a meeting to arrange for repatriation of one human bone from archaeological site CA-SDI-17928
01/12/2007	Human bone repatriated to KCRC
03/14/2007	Caltrans met with Kwaaymii and KCRC; field visit to CA-SDI-17928

**Table 5.4 (cont.): NAHC and Native American Consultation and Coordination**

Date	Topic(s)
05/23/2007	Kwaaymii representative approves soundwall for portion of CA-SDI-12670 to be adversely affected
05/24/2007	Caltrans contacts NAHC for MLD for CA-SDI-12670 if soundwall is constructed there
06/25/2008	Letter from Advisory Council on Historic Preservation (ACHP) in response to undertaking notification declining to participate in Section 106 process (see <i>Figure 5-5.12</i> )
08/07/2008	Caltrans meets KCRC to present Archaeological Treatment Plans for CA-SDI-12670 and CA-SDI-17928
01/17/2013	Caltrans contacts Carmen Lucas (Kwaaymii/Laguna) regarding notification that Caltrans changed the CA-SDI-7296 effect finding from No Adverse Effect with Standard Conditions (ESA) to No Historic Properties Affected since the original justification was based on an error of fact. Archaeological and Native American monitors would be present during planting activities at this biological mitigation parcel.
01/17/2013	Caltrans also informs her that Caltrans would not build two proposed soundwalls. With these changes, site CA-SDI-12670 would be avoided and site CA-SDI-17928 would be excluded from this undertaking, resulting in the project's Finding of Effect revision to No Adverse Effects-Standard Conditions (ESA). Because adverse effects to these resources would be avoided, an MOA would not be required for this undertaking because all impacts to National Register eligible sites would be avoided. Furthermore, the 2007 FOE is no longer applicable to this project.
01/17/2013, 01/24/2013, 03/06/2013, 03/19/2013	Caltrans left messages for Clint Linton (Kumeyaay), to inform him regarding an update on CA-SDI-7296 effect finding (see above contact topic dated 01/17/2013 with Carmen Lucas).
01/17/2013	Caltrans contacts Mel Vernon (Luiseño), updating him of changes to the <i>I-5 NCC Project</i> as a result of two soundwalls not being constructed (see above contact topic dated 01/17/2013 with Carmen Lucas).
03/21/2013	Caltrans contacts Clint Linton (Kumeyaay) to update him on CAS-SDI-7296 effect finding (see above contact topic) and changes to the <i>I-5 NCC Project</i> as a result of two soundwalls not being constructed (see above contact topic dated 01/17/2013 with Carmen Lucas).
01/17/2013, 01/24/2013	Caltrans left messages for Steve Banegas (KCRC).
03/06/2013	Steve Banegas (Kumeyaay/KCRC) referred Caltrans to contact Bernice Paipa (Kumeyaay/KCRC) in his place.
03/06/2013, 03/07/2013, 03/19/2013	Caltrans left messages for Bernice Paipa (Kumeyaay/KCRC).
01/17/2013, 01/24/2013	Caltrans left messages for Merri Lopez-Keifer (San Luis Rey Band of Mission Indians).
03/06/2013	Caltrans contacts Merri Lopez-Keifer (San Luis Rey Band of Mission Indians) to update her of changes to the <i>I-5 NCC Project</i> as a result of two soundwalls not being constructed (see above contact topic dated 01/17/2013 with Carmen Lucas).
01/17/2013, 01/24/2013, 03/06/2013	Caltrans left messages for Carmen Mojado and Cami Mojado (San Luis Rey Band of Mission Indians.)
03/19/13	Caltrans contacts Cami Mojado (San Luis Rey Band of Mission Indians) to update her on changes to the <i>I-5 NCC Project</i> as a result of two soundwalls not being constructed (see above contact topic dated 01/17/2013 with Carmen Lucas).



[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT: SAN DIEGO COUNTY, CALIFORNIA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Cesar Perez, South Region Team Leader, Federal Highway Administration, 650 Capitol Mall Suite 4-100, Sacramento, California 95814, Telephone: (916) 498-5065.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to improve Interstate 5 (I-5) in San Diego County, California. The proposed improvement would involve the addition of high occupancy vehicle (HOV) lanes/Managed Lanes and general purpose lanes to existing I-5 from the City of San Diego to the City of Oceanside for a distance of approximately 28 miles.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also, included in this proposal are the addition of auxiliary lanes, direct access ramps (DARs), and interchange improvements where needed. Alternatives under consideration include (1) taking no action; (2) adding two HOV lanes in each direction plus one general purpose lane in each direction. Incorporated into and studied with the build alternative will be design variations at the six lagoons along the corridor. Alternatives associated with those areas will include (1) retaining walls within existing fill slopes; (2) widening on existing fill slopes; (3) removing existing fill in lagoons and bridging the lagoons; (4) elevated HOV lanes on an independent structure.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public scoping meetings will be held in each city along the north coast I-5 corridor between January and February 2003. Public notice will be provided indicating the time and place of the scoping meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Figure 5-1.1: Notice of Intent

2


(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 5, 2004

/s/ Cesar E. Perez

Cesar E. Perez  
South Region Team Leader

Figure 5-1.1 (cont.): Notice of Intent



[QPR Home](#) > [CEQAnet Home](#) > [CEQAnet Query](#) > Search Results > Document Description

## Interstate 5 North Coast Corridor Project

**SCH Number:** 2004101076

**Document Type:** NOP - Notice of Preparation

**Project Lead Agency:** Caltrans #11

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**Project Description**  
 The proposed project includes improvements to the highway facility by adding high occupancy vehicle (HOV) and possibly general purpose lanes, auxiliary lanes and direct access ramps to HOV lanes from San Diego to Oceanside in San Diego County.

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**Contact Information**  
**Primary Contact:**  
 Jason Reynolds  
 Department of Transportation, District 11  
 858-618-8609  
 P.O. Box 85408, MS 46  
 San Diego, CA 92186-5406

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**Project Location**  
 County: San Diego  
 City: San Diego, Oceanside, Carlsbad, La Jolla  
 Region:  
 Cross Streets: I-5 with State Routes 57, 805, 78, 52 and local streets in six cities  
 Latitude/Longitude:  
 Parcel No: various  
 Township: var  
 Range: var  
 Section: var  
 Base: var  
 Other Location Info:

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**Proximity To**  
 Highways: 5, 805, 78, 76  
 Airports: none  
 Railways: San Diego North Rail  
 Waterways: 7 from Los Peñasquitos Lagoon to San Luis Rey River  
 Schools: 32 schools  
 Land Use: Highway Facility

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**Development Type**  
 Transportation: Highway/Freeway (Interstate improvements)

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**Local Action**

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**Project Issues**  
 Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Coastal Zone, Drainage/Absorption, Economics/Jobs, Flood Plain/Flooding, Geologic/Seismic, Noise, Recreation/Parks, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Population/Housing Balance, Public Services, Schools/Universities, Solid Waste, Other issues (Paleontological Res), Vegetation, Water Quality, Wetland/Riparian, Wildlife, Growth Inducing, Landuse, Cumulative Effects

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**Reviewing Agencies** (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)  
 Resources Agency; **California Coastal Commission**; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; **Department of Fish and Wildlife, Region 5**; **Native American Heritage Commission**; State Lands Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Air Resources Board; Transportation Projects; Regional Water Quality Control Board, Region 9

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**Date Received:** 10/20/2004    **Start of Review:** 10/20/2004    **End of Review:** 12/14/2004

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Figure 5-1.2a: Notice of Preparation to State Clearinghouse

SCH NO. \_\_\_\_\_

**NOTICE OF PREPARATION**

FILED  
 Gregory J. Smith, Recorder/County Clerk  
 OCT 20 2004  
 BY KV DEPUTY

To: County Clerk  
 County Administration Center  
 1600 Pacific Highway, Room 260  
 \_\_\_\_\_  
 San Diego CA 92101

From: California Dept. of Transportation  
 District 11  
 \_\_\_\_\_  
 2829 Juan Street  
 San Diego, CA 92110

Subject: **Notice of Preparation of a Draft Environmental Impact Report**  
 Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Project Title: North Coast Interstate 5 Corridor Project

Project Location: On Interstate 5 from La Jolla Village Drive in San Diego north along I-5 to Vandegrift Boulevard in Oceanside, California and on Interstate 805 from just north of Mira Mesa Blvd to the Interstate 5/Interstate 805 merge.

Project Description: Caltrans proposes to add high occupancy vehicle (HOV) lanes in each direction along the corridor. One general purpose lane in each direction may also be added from Del Mar Heights Road to State Route 78. The project would also include interchange improvements and auxiliary lanes where needed and approximately five direct access ramps (DARs) to allow transit vehicles and carpoolers a transition point into the designated HOV lanes.

This is to inform you that the California Department of Transportation in cooperation with the Federal Highway Administration will be the lead agency and will prepare an environmental impact report/statement (EIR/EIS) for the project described within this notice. Your participation as a responsible agency is requested in the preparation and review of this document.

We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval actions for the project.

A more detailed project description, location map, and the potential environmental effects are contained in the attached materials.

A copy of the Initial Study (☐ is) (☒ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please direct your response to Jason A. Reynolds, Chief-Environmental Analysis Branch A, MS 46 Telephone (858) 616-6609 at the address shown above. Please supply us with the name for a contact person in your agency.

Date 10/15/04 Signature Jason A. Reynolds  
 Title Branch Chief

Figure 5-1.2b: Notice of Preparation to San Diego County Clerk



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
Eleventh District

U. S. Coast Guard Island, Bldg 50-2  
Alameda, CA 94501-5100  
Staff Symbol: (dpw)  
Phone: (510) 437-3514  
Fax: (510) 437-5836

16590

Los Penasquitos Lagoon/River  
San Dieguito Lagoon  
San Elijo Lagoon  
Baticuitos Lagoon  
Agua Hedionda Lagoon  
Buena Vista Lagoon  
San Luis Rey River  
Carmel Valley Creek  
Loma Alta Creek

December 13, 2012

California Dept. of Transportation  
Attn: Ms. Shay Lynn M. Harrison  
4050 Taylor Street, M. S. 242  
San Diego, CA 92100

Dear Ms. Harrison:

As discussed with Ms. Sandra Lavender at Caltrans, we have completed our review of information provided concerning the ongoing Interstate 5 North Coast Corridor Project in San Diego County, California.

The I-5 bridge crossings on the following waterways are located on reaches of the waterways that are considered navigable. However, the waterways are not navigated by anything larger than small motorboats and the waterways meet the criteria for Advance Approval of bridges pursuant to Title 33, Code of Federal Regulations, Part 115.70.

- a. San Diego River.
- b. Los Penasquitos Lagoon and River.
- c. San Dieguito Lagoon.
- d. San Elijo Lagoon.
- e. Baticuitos Lagoon.
- f. Agua Hedionda Lagoon.

The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to the start of construction (33 U.S.C. 525). The Commandant has given advance approval to the location and plans of bridges to be constructed across reaches of waterways considered navigable, but not actually navigated by other than logs, log rafts, rowboats, canoes and small motorboats. In such cases, the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation (33 C.F.R. 115.70).

No individual Coast Guard bridge permit will be required for this part of the project (COMDTINST M16590.5C). This does not relieve the applicant from complying with all applicable federal, state and local laws, and associated permit requirements.

**Figure 5-3.1: U.S. Coast Guard Letter Regarding Bridges**



16590  
December 13 , 2012

If the character of navigation changes, such that one of the waterways no longer meets advance approval criteria, the Coast Guard will promptly withdraw the advance approval designation for the waterway, and notify all interested parties.

A photograph and as-built drawings (8½x11-inch) of the bridges are required upon completion of the project. The drawings should indicate the elevation of the lowest hittable part of the bridges above mean high water, or mean sea level, over the channel.

Our review and determination remains valid for a period of two years from the date of this letter and becomes null and void if the project has not begun within that time frame.

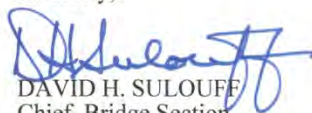
Please notify our office upon beginning and completing the bridge-related, over-water portions of the project, with 30 days advance notice, so we may provide Notice to Mariners.

The I-5 bridge crossings of the following waterways are located on reaches of the waterways considered to be non-navigable. Under the provisions of the Coast Guard Authorization Act of 1982, the Coast Guard has determined that these projects do not require Coast Guard involvement for bridge permit purposes:

- a. Buena Vista Lagoon
- b. San Luis Rey River
- c. Carmel Valley Creek
- d. Loma Alta Creek

You may contact Mr. Chris Cerles, Project Manager, by telephone at (510) 437-3461, to discuss this project.

Sincerely,



DAVID H. SULOUFF  
Chief, Bridge Section  
Eleventh Coast Guard District  
By direction of the District Commander

Copy: U. S. Army Corps of Engineers, Los Angeles District  
Coast Guard Sector San Diego

Figure 5-3.1 (cont.): U.S. Coast Guard Letter Regarding Bridges

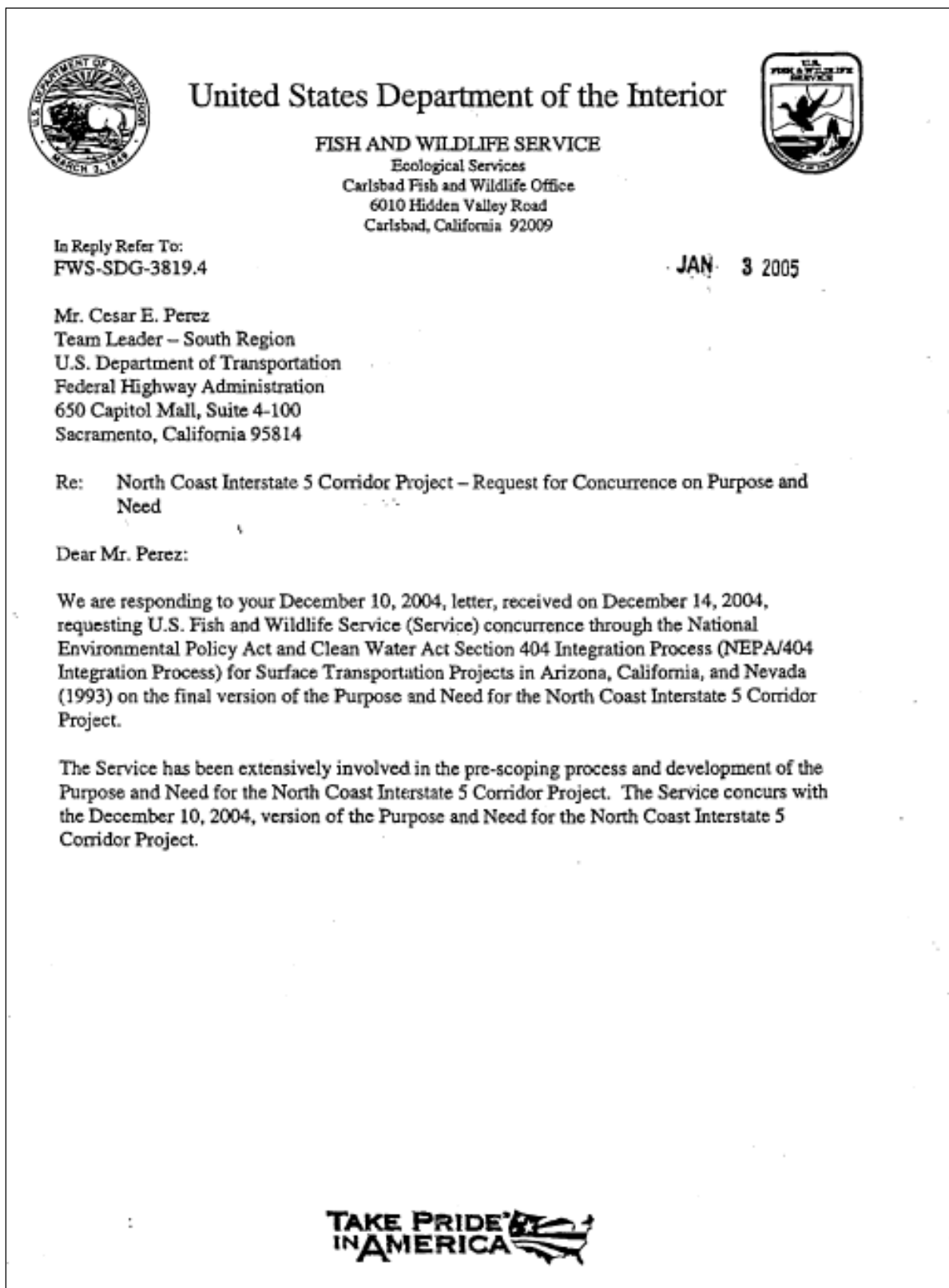


Figure 5-4.1: USFWS Concurrence with Purpose and Need

Mr. Cesar E Perez (FWS-SDG-3819.4)

If you have any questions or concerns about this letter, please contact John DiGregoria of my staff at (760) 431-9440.

Sincerely,



Therese O'Rourke  
Assistant Field Supervisor

cc: Charles "Muggs" Stoll, Deputy District Director Environmental Division, Caltrans  
District 11 Office

Figure 5-4.1 (cont.): USFWS Concurrence with Purpose and Need

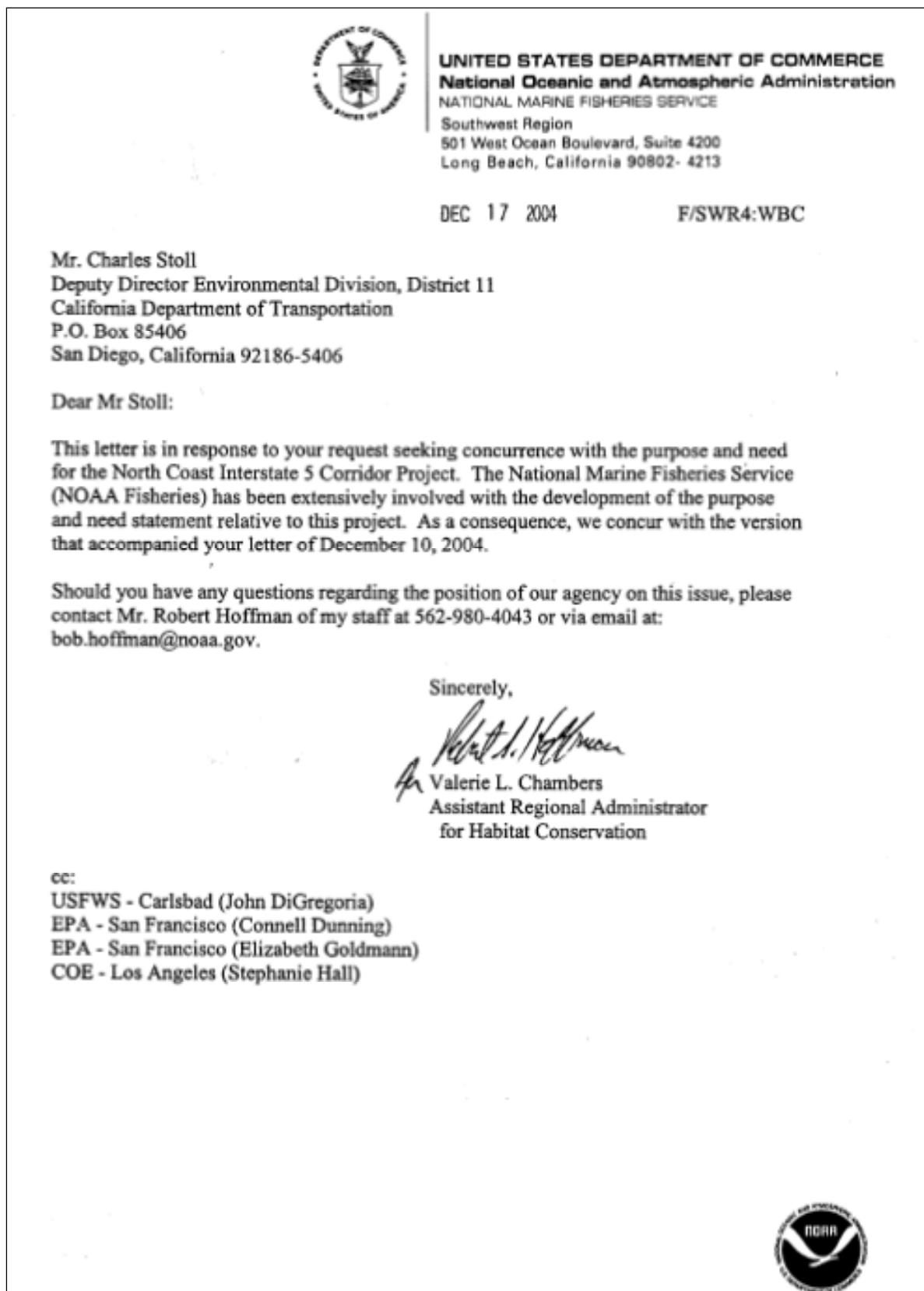


Figure 5-4.2: NOAA/NMFS Concurrence with Purpose and Need



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

January 19, 2005

REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Branch

Charles Stoll  
Deputy Director, Environmental Division  
California Department of Transportation, District 11  
P.O. Box 85406  
San Diego, California 92186-5406

Dear Mr. Stoll:

This letter is in response to your request of December 10, 2004, for concurrence on the Purpose and Need statement for the North Coast Interstate 5 (I-5) Corridor Project. This request is pursuant to Appendix A of the National Environmental Policy Act/Clean Water Act, Section 404 Integration Process Memorandum of Understanding (NEPA/404MOU).

The Corps has participated with the California Department of Transportation (Caltrans), the Federal Highway Administration (FHWA), and other regulatory agencies in the development of a supportable purpose and need statement. The Corps concurs with the project Purpose and Need as presented in the document entitled "North Coast Interstate 5 Corridor Project," dated December 10, 2004. We support the overall project purpose statement presented below, which will be used to help develop and screen the alternatives that will be evaluated in an environmental impact statement.

*To maintain or improve the existing and future traffic operations in the I-5 north coastal corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2030.*

*More specifically, the project objectives are to:*

- *Maintain or improve future traffic levels of service in 2030 over the existing levels of service,*
- *Maintain or improve travel times within the corridor,*
- *Provide a facility that is compatible with future bus rapid transit and other modal options,*
- *Provide consistency with the regional transportation plan, Mobility 2030 – The Transportation Plan for the San Diego Region, SANDAG, April 2003 (SANDAG 2030 RTP) where feasible and in compliance with federal and state regulations,*
- *Maintain the facility as an effective link in the national Strategic Highway Network, and*
- *Protect and/or enhance the human and natural environment along the I-5 corridor.*

The next step in the NEPA/404 Integration Process is to identify a set of screening criteria that will facilitate the selection of alternatives for evaluation pursuant to both NEPA and

Figure 5-4.3: USACE Concurrence with Purpose and Need

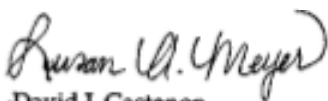


-2-

Section 404. Under Appendix A of the NEPA/404 MOU, we will be asked to concur on both the screening criteria and the range of alternatives.

We appreciate the opportunity to participate in the NEPA/404 MOU process and appreciate your efforts to seek our early participation in this process. We look forward to our continued involvement with the North Coast Interstate 5 Corridor project. Should you have any questions, please contact Ms. Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200401089-SJH in your reply.

Sincerely,

  
for David J. Castanon  
Acting Chief, Regulatory Branch

cc:  
USFWS – Carlsbad (John DiGregoria)  
EPA – San Francisco (Connell Dunning)  
EPA – San Francisco (Elizabeth Goldmann)  
NOAA – Long Beach (Bob Hoffman)

Figure 5-4.3 (cont.): USACE Concurrence with Purpose and Need



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

January 10, 2004

Charles Stoll  
Deputy Director Environmental Division  
California Department of Transportation  
P.O. Box 85406  
San Diego, CA 92186-5406

Cesar Perez  
Team Leader - South Region  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

Dear Mr. Stoll and Mr. Perez:

The U.S. Environmental Protection Agency (EPA) is writing in response to your request of December 10, 2004 for concurrence on the Purpose and Need statement for the proposed **North Coast Interstate 5 (I-5) Corridor Project**. The purpose of this letter is to express EPA's concurrence with the Purpose and Need statement. Your request is in accordance with the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Surface Transportation Projects in California, Arizona, and Nevada Memorandum of Understanding (NEPA/404 MOU).

*Concurrence on Purpose and Need*

California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose improvements along the I-5 Corridor from Miramar Road north to Vandergriff Boulevard. Widening of the highway in the project area will affect an estimated 25 acres of wetlands and has the potential to affect wildlife and sensitive habitats associated with six lagoons: San Dieguito, San Elijo, Bataquitos, Agua Hedionda, Buena Vista, and Los Pensaquitos. EPA has been involved with the development of the Purpose and Need statement through multiple interagency meetings. We are pleased with the incorporation of our comments and recognize the efforts of Caltrans and FHWA in finalizing a Purpose and Need statement that addresses the concerns of the federal regulatory agencies.

EPA concurs with the following Purpose and Need statement:

**OVERALL PURPOSE STATEMENT**

To maintain or improve the existing and future traffic operations in the I-5 north coastal corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year 2030.

*Printed on Recycled Paper*

Figure 5-4.4: USEPA Concurrence with Purpose and Need

## PROJECT OBJECTIVES

The objectives of this project are to:

- Maintain or improve future traffic levels of service in 2030 over the existing levels of service,
- Maintain or improve travel times within the corridor,
- Provide a facility that is compatible with future bus rapid transit and other modal options,
- Provide consistency with the regional transportation plan, Mobility 2030 - The Transportation Plan for the San Diego Region, SANDAG, April 2003 (SANDAG 2030 RTP) where feasible and in compliance with federal and state regulations,
- Maintain the facility as an effective link in the national Strategic Highway Network, and
- Protect and/or enhance the human and natural environment along the I-5 corridor.

### *Status of Other Transportation Projects along the I-5 Corridor*

On September 9, 2004 a manager-level meeting was convened to discuss the Purpose and Need statement as well as the status of multiple projects along the I-5 Corridor that are in various stages of planning and construction. At that time, and in previous interagency meetings, EPA as well as Army Corps of Engineers, Fish and Wildlife Service, and National Marine Fisheries Service, expressed concerns regarding the potential for decisions resulting from other projects along the corridor to preclude the analysis of a range of reasonable alternatives to be studied through the North Coast I-5 Corridor Project. Caltrans and FHWA committed to discuss this matter internally and to provide a response to the regulatory agencies regarding this issue. As of this date, EPA has received no formal response regarding our concerns. While it does not affect our concurrence on the Purpose and Need statement, resolution on this matter is integral to an understanding of the scope of the North Coast I-5 Corridor Project as the NEPA/404 integration process continues.

### *Other Federal Mitigation Efforts*

Several mitigation projects that were established as permitting requirements for other federal projects occur within the footprint of the proposed project, including the Bataquitos Lagoon Enhancement Project and the San Onofre Nuclear Generating Station (SONGS) Marine Mitigation Program. The Bataquitos Lagoon Enhancement Project is one of the largest wetland restoration projects undertaken as mitigation for a port project in the United States and was developed as a requirement to mitigate resources lost in the Outer Los Angeles Harbor due to dredging and construction. The SONGS Marine Mitigation Program is an environmental enhancement program developed to mitigate unavoidable impacts to the marine environment resulting from operation of the SONGS Units 2&3 cooling water systems. The program includes restoring degraded wetlands at San Dieguito Lagoon, improving the in-plant fish protection systems, and funding for Coastal Commission staff oversight and monitoring of these mitigation projects. Because these mitigation efforts are required as a result of federal permitting actions, it will be important for Caltrans and FHWA to develop alternatives that are designed to allow for

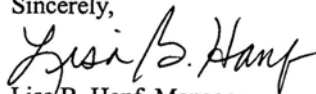
Figure 5-4.4 (cont.): USEPA Concurrence with Purpose and Need

the continued implementation of these mitigation commitments.

We are pleased that the Purpose and Need statement indicates that Caltrans and FHWA “will seek to not impede these efforts and will identify opportunities to offset potential project impacts to the maximum extent practicable” and that “enhancements to the conditions of sensitive environmental habitat will be incorporated, where feasible and practicable when considering cost, logistics, and technology.” This supports the objective of “protecting and/or enhancing the natural environment” and conveys the transportation agencies’ intentions to protect the coastal lagoon ecosystem during project development.

Thank you for this opportunity to participate in the development of the North Coast I-5 Corridor Study Purpose and Need statement. We look forward to continued participation in this project through the NEPA/404 MOU. If you have any questions or comments, please feel free to contact me at 415-972-3854. You can also contact Connell Dunning at 415-947-4161 (dunning.connell@epa.gov) or Elizabeth Goldmann at 415-972-3398 (goldmann.elizabeth@epa.gov).

Sincerely,



Lisa B. Hanf, Manager  
Federal Activities Office

cc: John DiGregoria, Fish and Wildlife Service  
Stephanie Hall, Army Corps of Engineers  
Bob Hoffman, National Marine Fisheries Service

Figure 5-4.4 (cont.): USEPA Concurrence with Purpose and Need



08/24/2006 09:38 FAX 7604315902

US FISH AND WILDLIFE

002



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
 Carlsbad Fish and Wildlife Office  
 6010 Hidden Valley Road  
 Carlsbad, California 92011



In Reply Refer To:  
 FWS-SDG-3819.9

AUG 24 2006

Ms. Susanne Glasgow  
 Deputy District Director  
 Environmental Division  
 Department of Transportation  
 2829 Juan Street  
 P.O. Box 85406, M.S. 46  
 San Diego, California 92110

Subject: Concurrence on Range of Alternatives for North Coast Interstate 5 Corridor Project

Dear Ms. Glasgow:

The U.S. Fish and Wildlife Service (Service) has received your letter dated August 1, 2006, requesting our concurrence on the range of alternatives for the North Coast Interstate 5 Corridor Project to be considered in the draft Environmental Impact Statement. Those alternatives include the 10+4 with Buffer, 10+4 with Barrier, 8+4 with Buffer, 8+4 with Barrier, and the No Build Alternative. You have also requested our concurrence on the removal of the 8+2HOV alternative from further review.

Information provided during previous meetings has given details on the reason for dropping the 8+2HOV alternative. The Service concurs with removing the 8+2HOV alternative from further consideration due to the projects futility in meeting future traffic needs. Also, the Service concurs on the list of alternatives for further consideration and acknowledges that a number of projects would continue to go forth in the No Build Alternative scenario.

If you have any questions with regards to this letter please contact Kurt Roblek of my staff (760-431-9440, ext. 308).

Sincerely,



Therese O'Rourke  
 Assistant Field Supervisor

Cc: Robert Hoffman, NOAA  
 Connell Dunning, EPA  
 Elizabeth Goldman, EPA  
 Stephanie Hall, Corps



Figure 5-4.5: USFWS Concurrence with Range of Alternatives



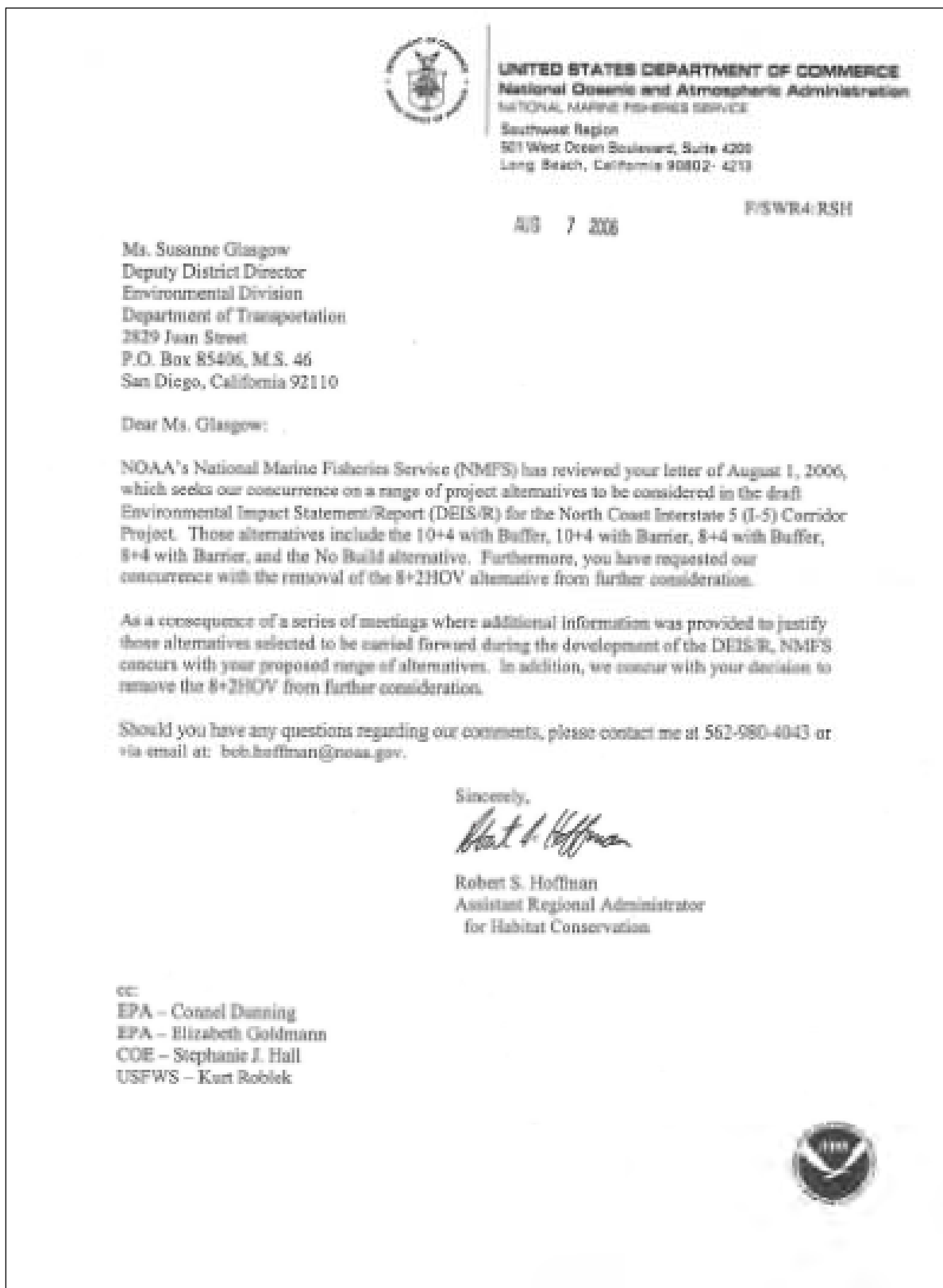


Figure 5-4.6: NOAA/NMFS Concurrence with Range of Alternatives



**DEPARTMENT OF THE ARMY**  
 LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
 P.O. BOX 532711  
 LOS ANGELES, CALIFORNIA 90053-2325

August 21, 2006

REPLY TO  
 ATTENTION OF:

Office of the Chief  
 Regulatory Branch

California Department of Transportation, District 11  
 Attention: Susanne Glasgow, Deputy District Director  
 Environmental Division, MS-242  
 4050 Taylor Street  
 San Diego, CA 92110

Dear Ms. Glasgow:

At the request of the California Department of Transportation (Caltrans), the U.S. Army Corps of Engineers (USACE) has been asked to provide concurrence on a "Range of Project Alternatives" for the North Coast I-5 Corridor Project, located in northern coastal San Diego County, California. This request letter and supplemental information package was initially submitted and dated July 5, 2006 and subsequently revised and resubmitted on August 1, 2006.

We appreciate the opportunity for continued involvement on this project, and pursuant to the National Environmental Policy Act, Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), we are providing concurrence on the "Range of Alternatives" per your revised August 1, 2006 request. Your submittal provides the range of alternatives to be carried forward for detailed analysis in the Draft Environmental Impact Statement/Report (EIS/EIR). Your submittal also provides clarification of the "No Build Alternative", as well as projects that would be independent from the I-5 Corridor Project.

The "Range of Alternatives" to be carried forward in the Draft EIS/EIR includes the following: the 10+4 with Buffer Alternative, the 10+4 with Barrier Alternative, the 8+4 with Buffer Alternative, and the 8+4 with Barrier Alternative. The "No Build Alternatives" include the I-5/I-805 Widening, I-5/Genesee Avenue Interchange, I-5 Mid-Coast Free Improvements, I-805 North Improvements, SR-56 Improvements, SR-78 Improvements and the LOSSAN Rail Improvements. Projects that would be incorporated into the analysis of the I-5 Corridor Project or be separate projects to be initiated after a decision is rendered on the I-5 Corridor Project include the Sorrento Valley Road/Roselle Street, Manchester Interchange, Birmingham to Leucadia auxiliary lane, Encinitas Boulevard, and I-5/SR-78 Connector projects. The I-5/SR-56 Freeway Connectors, the Lomas Santa Fe Interchange, and the HOV Extension between San Dieguito River and San Elijo Lagoon Bridge are considered separate projects and would proceed independently.

Figure 5-4.7: USACE Concurrence with Range of Alternatives

-2-

The next step in the NEPA/404 Integration Process is the preparation of the project Draft EIS/EIR. The Corps values our role as a Cooperating Agency for the proposed project and the opportunity to provide meaningful input and continued regulatory guidance with regard to on-going project efforts. If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200401089-SJH in your reply.

Sincerely,



David J. Castanon  
Chief, Regulatory Branch

cc:

EPA-San Francisco (Connell Dunning)  
EPA-San Francisco (Elizabeth Goldmann)  
USFWS-Carlsbad (Kurt Roblek)  
NOAA-Long Beach (Bob Hoffman)

Figure 5-4.7 (cont.): USACE Concurrence with Range of Alternatives



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105-3901

Lisa Cathcart-Randall  
 Team Leader - South Region  
 Federal Highway Administration  
 650 Capitol Mall, Suite 4-100  
 Sacramento, CA 95814

Suzanne Glasgow  
 California Department of Transportation  
 District 11, MS-242  
 4050 Taylor Street  
 San Diego, CA 92110

Subject: Concurrence on Range of Alternatives for North Coast I-5 Corridor Project

Dear Ms. Cathcart-Randall and Ms. Glasgow:

This letter responds to your dated August 1, 2006 letter requesting concurrence on Range of Alternative to be analyzed in the Draft Environmental Impact Statement (EIS) for the North Coast I-5 Corridor Project in San Diego, CA (enclosed). The request is pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding, 2006 (NEPA/404 MOU).

The U.S. Environmental Protection Agency (EPA) offers its concurrence on the Range of Alternatives listed below and further described in the enclosed August 1, 2006 letter. As discussed in the I-5 Corridor Project Interagency meetings, these alternatives will be analyzed in the Draft EIS to be completed for this project:

- 10+4 with Buffer Alternative
- 10+4 with Barrier Alternative
- 8+4 with Buffer Alternative
- 8+4 with Barrier Alternative

We commend the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) for responding to our concerns regarding other projects within the I-5 Corridor (see enclosed table, *Proposed Projects Along North Coast Interstate 5 Corridor*). As noted in previous interagency meetings, EPA, as well as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service, have expressed concerns that decisions resulting from other projects within the study area along I-5 may preclude the consideration of a range of reasonable alternatives for the North Coast I-5 Corridor Project. Caltrans and FHWA have provided additional information on the independent utility and logical termini for those projects, including information on whether they would preclude evaluation of alternatives for I-5. We have agreed with the independent utility of the 5/56 Freeway Connectors, the Lomas Santa Fe Interchange, and the HOV Extension between San Dieguito River and San Elijo Lagoon Bridge. We agree with the decision to either incorporate the analysis of the Sorrento Valley Road/Roselle Street, Manchester Interchange, Birmingham to Leucadia auxiliary lane, Encinitas Boulevard, and 5/78 Connectors into the

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**Figure 5-4.8: USEPA Concurrence with Range of Alternatives**


analysis of the North Coast project, or to analyze the projects separately after a decision is rendered on the North Coast project.

We note that during Interagency meetings, the California Coastal Commission has continued to raise concerns related to the potential impacts to coastal resources from the proposed project alternatives. We encourage Caltrans and FHWA to continue coordinating with the California Coastal Commission regarding its concerns, and support inclusion of any additional design modifications to further avoid and minimize coastal impacts. We also support additional alternatives be analyzed in the Draft EIS should a broader range of alternatives be needed to satisfy state requirements.

As a next step, and as described in the NEPA/404 MOU, EPA will review the Draft EIS. We are available to continue working with the Interagency Group to further refine the design of project alternatives to increase measures to avoid and minimize impacts to resources. In addition, we would like to continue being involved in conceptual mitigation discussions.

Thank you for requesting our concurrence on the range of alternatives to be analyzed in the Draft EIS. If you have any questions or comments, please contact me at (415) 972-3988 or Connell Dunning of my staff at (415) 947-4161 or at [Dunning.Connell@epa.gov](mailto:Dunning.Connell@epa.gov).

Sincerely,

  
 Duane James, Manager  
 Environmental Review Office

Enclosure: Caltrans Request for Concurrence

Cc: Suzanne Glasgow, California Department of Transportation  
 Tami Grove, California Coastal Commission  
 Pam Beare, California Department of Fish and Game  
 Stephanie Hall, U.S. Army Corps of Engineers  
 Kurt Roblek, U.S. Fish and Wildlife Service  
 Bob Hoffman, National Oceanic and Atmospheric Administration  
 Richard Chavez, SANDAG

Figure 5-4.8 (cont.): USEPA Concurrence with Range of Alternatives



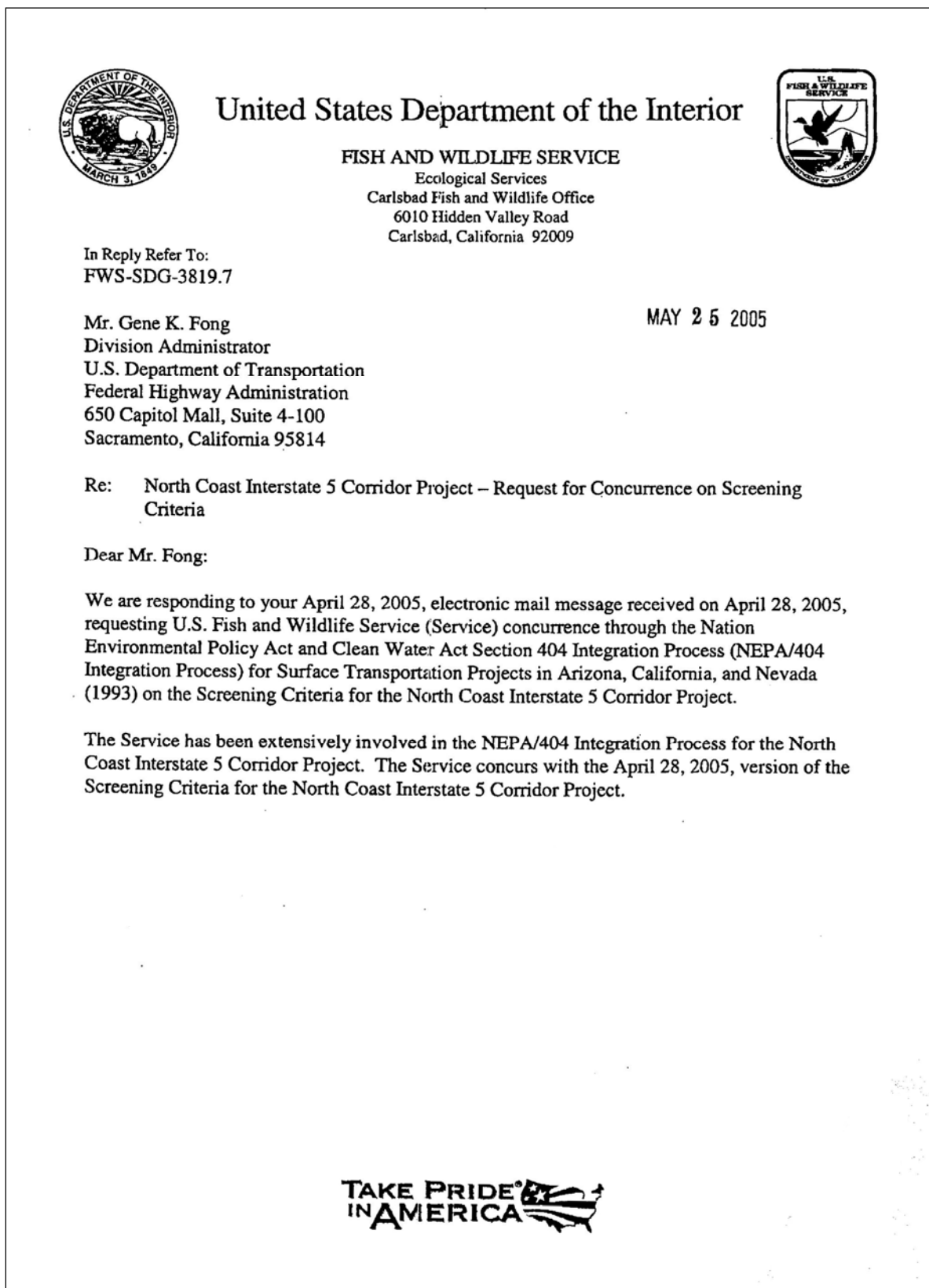


Figure 5-4.9: USFWS Concurrence with Criteria Matrix

Mr. Gene K. Fong (FWS-SDG-3819.7)

2

If you have any questions or concerns about this correspondence, please contact John DiGregoria of my staff at (760) 431-9440, extension 203.

Sincerely,



Therese O'Rourke  
Assistant Field Supervisor

cc: Charles "Muggs" Stoll, Deputy District Director Environmental Division, Caltrans  
District 11 Office

Figure 5-4.9 (cont.): USFWS Concurrence with Criteria Matrix

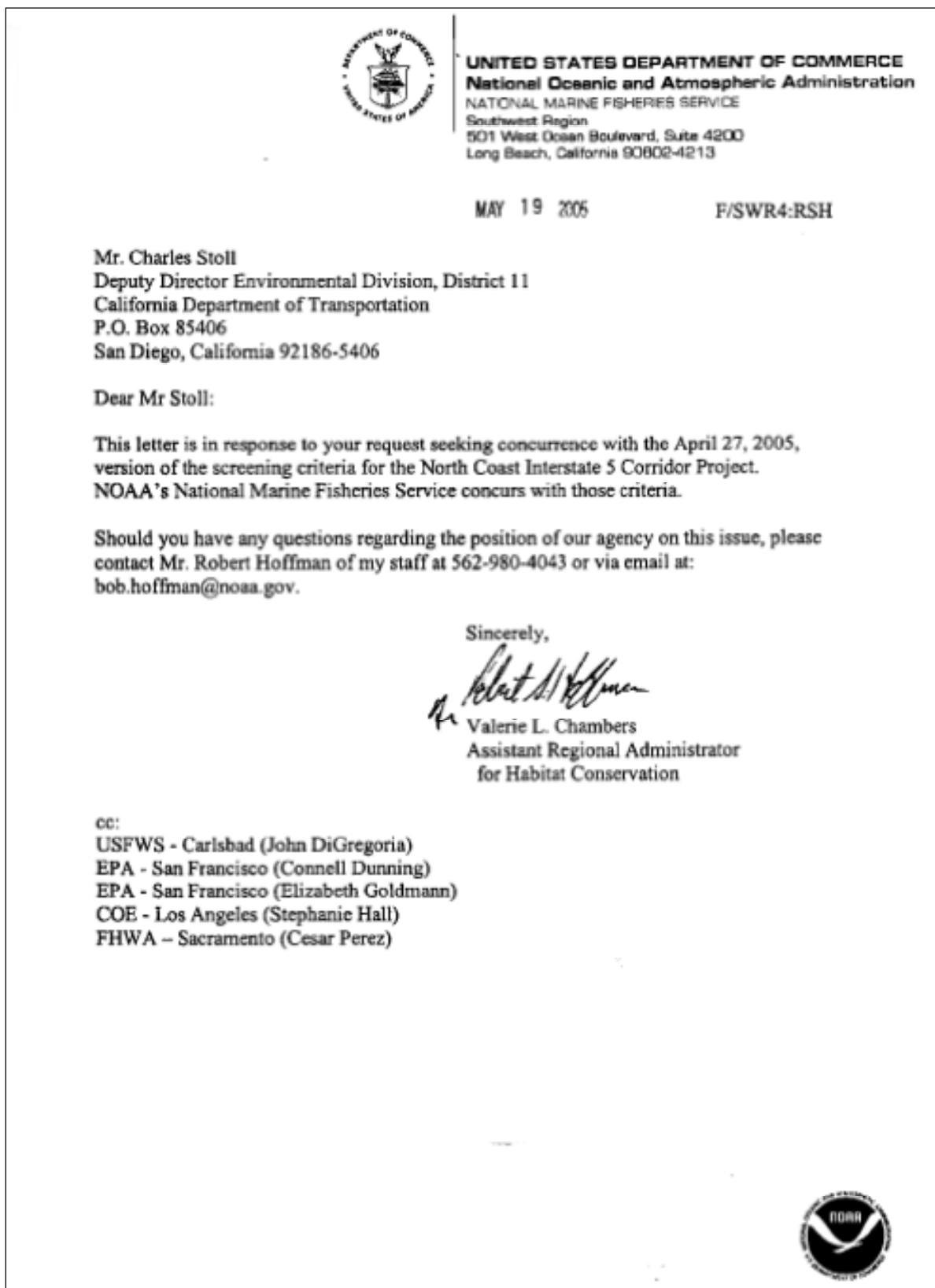


Figure 5-4.10: NOAA/NMFS Concurrence with Criteria Matrix



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

June 29, 2005

REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Branch

Cesar E. Perez  
Team Leader-South Region  
Federal Highway Administration, California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, California 95814

Subject: Concurrence on Screening Criteria for North Coast I-5 Corridor Project

Dear Mr. Perez:

At the request of the Federal Highways Administration (FHWA) and the California Department of Transportation (Caltrans), the U.S. Army Corps of Engineers (USACE) has been asked to provide concurrence on Screening Criteria for the North Coast I-5 Corridor Project, San Diego, California.

We appreciated the opportunity for continued involvement on this project, and pursuant to the National Environmental Policy Act Clean Water Act section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), we are providing concurrence on the Screening Criteria for the North Coast I-5 Corridor Project as revised and submitted on April 28, 2005. The document provides evaluation criteria and measured parameters to be used in the identification of alternatives best suited to be carried forward for detailed analysis in the Draft Environmental Impact Statement/Report (EIS/EIR).

The next step in the NEPA/404 Integration Process is to identify a range of alternatives to be included in the Draft EIS/EIR. We anticipate the opportunity to incorporate the concerns of this agency in specific regard to the issue of independent utility related to several projects planned along the I-5 Corridor. The Corps, as well as other Federal and State resource agencies, has expressed concern that decisions resulting from these projects may preclude the consideration of a range of reasonable alternatives for the North Coast I-5 Corridor Project. Although supplemental information has been provided addressing this issue, the decision of whether to incorporate some, all, or none of these projects into the larger I-5 project is on-going.

Figure 5-4.11: USACE Concurrence with Criteria Matrix

-2-

Once again, we appreciate this opportunity for continued involvement in the development of this project. If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200401089-SJH in your reply.

Sincerely,



David J. Castanon  
Chief, Regulatory Branch



cc:  
EPA (Connell Dunning)  
EPA (Elizabeth Goldmann)  
USFWS (John DiGregoria)  
NOAA (Robert Hoffman)  
Caltrans (Gladys Baird)

Figure 5-4.11 (cont.): USACE Concurrence with Criteria Matrix



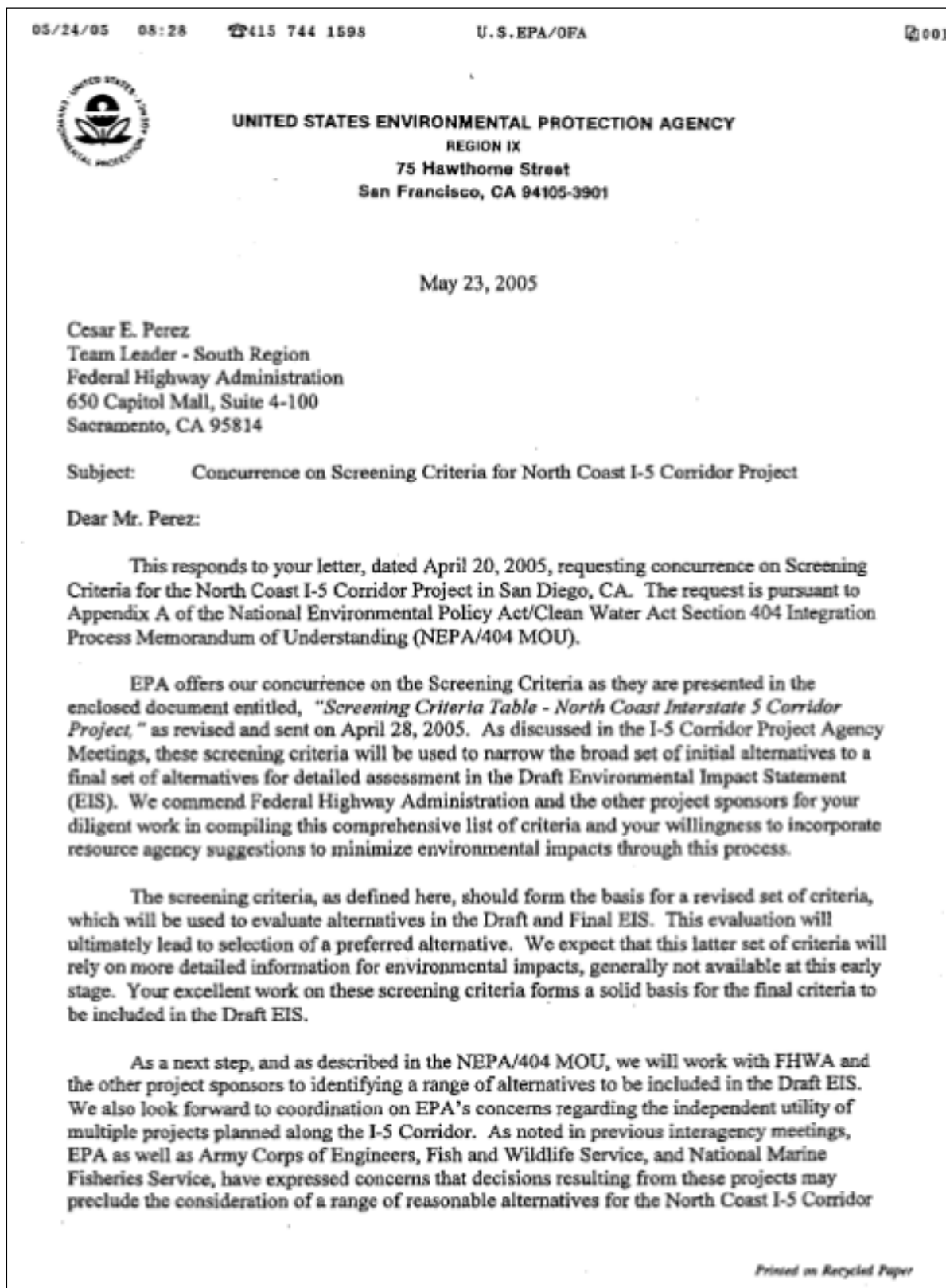


Figure 5-4.12: USEPA Concurrence with Criteria Matrix

05/24/05 08:28 ☎415 744 1598

U.S. EPA/OFA

002

Project (I-5). Caltrans and FHWA have provided additional information on the independent utility and logical termini for those projects, including information on whether they would preclude evaluation of alternatives for I-5. We have agreed with the independent utility of the State Route 56 Improvement Project in the City of San Diego but have remaining concerns with several interchange projects along the corridor, especially at Manchester. EPA is meeting with FHWA and Caltrans to discuss whether these other projects should be incorporated into, or separated from, the I-5 project. We appreciate the efforts by Caltrans and FHWA on this matter.

Thank you for requesting our agreement on Screening Criteria to identify alternatives that will be analyzed in the Draft EIS. If you have any questions or comments, please contact me or Connell Dunning of my staff at (415) 947-4161 or at [Dunning.Connell@epa.gov](mailto:Dunning.Connell@epa.gov).

Sincerely,



Nova Blazej, Acting Manager  
Environmental Review Office

Enclosure: Screening Criteria Table

Cc: Charles "Mugs" Stoll, California Department of Transportation  
John DiGregoria, Fish and Wildlife Service  
Stephanie Hall, Army Corps of Engineers  
Bob Hoffman, National Marine Fisheries Service  
Tami Grove, California Coastal Commission  
Pam Beare, California Department of Fish and Game

Figure 5-4.12 (cont.): USEPA Concurrence with Criteria Matrix



05/24/05 08:28 415 744 1598 U.S.EPA/OFA 003

Screening Criteria Table - North Coast Interstate 5 Corridor Project

Evaluation Criteria	Measured Parameter
1. Traffic Flow and Congestion Relief	Total hours of vehicle travel; daily vehicle hours of delay compared to No Build; LOS (A, B, C ...); Peak Period Miles of LOS F; Origin-Destination Travel Times along I-5 corridor
2. Compatible with future bus rapid transit and other modal options	Accommodate mass transit included in 2030 RTP
3. Impacts to FEMA 100-year floodplains	Acres
4. Impacts to Waters of the U.S. including wetlands and coastal lagoons	Acres directly and indirectly affected
5. Impacts to Waters of the State including wetlands	Acres directly and indirectly affected
6. Impacts to Coastal Commission wetlands	Acres directly and indirectly affected Effects on hydrology (sedimentation) and tidal circulation
7. Impacts to transitional/upland habitats associated with wetlands and shading of wetlands	Acres permanently and temporarily affected
8. Impacts to Federal and State T and E plant species	Species directly and indirectly affected
9. Impacts to Federal and State T and E animals species	Species directly and indirectly affected
10. Impacts to Federal and State listed T and E habitat	Acres of habitat directly and indirectly affected
11. Impacts to existing permitted restoration efforts	Acres of existing restoration efforts directly and indirectly affected
12. Impacts to biological core areas and linkages including those in NOCP areas	Yes/No
13. Economic impacts to the region	Hours of delay times average cost per hour of delay
14. Impacts to Environmental Justice communities	Yes/No, number of communities affected
15. Residential units displaced	Number of residential units
16. Community Connectivity	Number and type of facility that can restore connectivity
17. Businesses displaced	Number of businesses
18. New Right of Way	Acres acquired
19. Project Cost-including Right of Way acquisition and construction	Total Cost (in millions)
20. Estimated biological mitigation costs	Total Cost/Acre
21. Number of 4(f) resources affected	Name/type of resource/acres affected
22. Eligible and listed cultural resource sites affected	Number of eligible and number of listed sites
23. Noise Impacts	Number of receptor sites that exceed Noise Abatement Criteria
24. Visual Impacts	Square footage of walls Effects on public views of ocean/scenic resource areas
25. Median planting remain	Yes/No and type of planting
26. Mature Tree Removal	Number and type of trees
27. Maintainability of Facility	High/Medium/Low
28. Geometric Design Standards	Number of design exceptions/type
29. Consistency with local land use and circulation plans	Plans non-conforming
30. Water Treatment	Water Quality Standards
31. Hazardous Wastes	Number of known sites
32. Air Quality	Number of residences and sensitive receptors within 100 meters of the freeway and number of VMT

04/27/05

Figure 5-4.12 (cont.): USEPA Concurrence with Criteria Matrix





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-SDG-08B0100-13 CPA0203

JUN 18 2013

Ms. Kim Smith  
Chief, Environmental Stewardship Branch  
California Department of Transportation  
4050 Taylor Street  
San Diego, California 92110

Subject: Request for Concurrence on the Least Environmentally Damaging Practicable Alternative and Mitigation Plan for the I-5 North Coast Corridor Project, San Diego County, California

Dear Ms. Smith:

We have reviewed your request dated April 29, 2013, for our concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and Mitigation Plan (Resource Enhancement and Mitigation Program – REMP) for the I-5 North Coast Corridor Project, pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding (NEPA/404 MOU). The California Department of Transportation (Caltrans) has assumed Federal Highway Administration's responsibilities with regard to environmental review, consultation, and NEPA compliance for this project in accordance with Section 6005 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 2005, as described in the NEPA Delegation Pilot Program Memorandum of Understanding between FHWA and Caltrans (effective July 1, 2007), and codified in 23 U.S.C. 327(a)(2)(A).

We appreciate the coordination that has occurred on this project, including your consideration of the numerous concerns that the resource agencies have raised regarding the project and the associated mitigation measures. By transmittal of this letter, we provide our agreement that the 8 + 4 with Buffer Alternative, as described in your April 29, 2013, letter, is the Preliminary LEDPA for the I-5 North Coast Corridor Project. We also agree that the REMP meets your compensatory mitigation obligation for impacts to wetlands and uplands, although many of the details regarding the coastal lagoon restoration projects are un-resolved. We look forward to continuing to coordinate on the development and implementation of the restoration plans for the coastal wetlands.

For clarification purposes, our agreement should not be construed as support for all of the proposed community enhancement projects. We request that the resource agencies be given



Figure 5.4-13: USFWS Concurrence with LEDPA

Ms. Kim Smith (FWS-SDG-08B0100-13CPA0203)

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further opportunity to review and comment on the location and extent of new trails and staging areas proposed within the lagoons, as well as design plans for the proposed wildlife connectivity features under the bridges.

We appreciate Caltrans commitment to continue to work closely with the resource agencies to further refine the design of the I-5 North Coast Corridor Project to avoid and minimize impacts to sensitive species and habitats. Thank you for the opportunity to participate in the transportation planning process; we look forward to our continued coordination in these matters. If you have any questions regarding this letter, please contact Susan Wynn of this office at 760-431-9440, extension 216.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor

cc:

Stephanie Hall, Corps of Engineers, Los Angeles, CA  
Connell Dunning, Environmental Protection Agency, San Francisco, CA  
Elizabeth Goldmann, Environmental Protection Agency, San Francisco, CA

**Figure 5.4-13 (cont.): USFWS Concurrence with LEDPA**





UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 Southwest Region  
 501 West Ocean Boulevard, Suite 4200  
 Long Beach, California 90802-4213

MAY 28 2013

In response, refer to:  
 2012/09268

Kim T. Smith, Chief  
 Environmental Stewardship/Ecological Services Branch  
 California Department of Transportation  
 District 11  
 4050 Taylor Street, M.S. 242  
 San Diego, California 92110

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Administrative Draft for the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Interstate 5 (I-5) North Coast Corridor Project, the draft response to our comments dated November 19, 2010, on the Draft EIR/EIS, and the Caltrans letter requesting agency concurrence on the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and the Resource Enhancement and Mitigation Plan (REMP).

NMFS believes the draft response to our comments adequately addresses issues raised in our 2010 letter. NMFS has no additional, substantive comments to provide regarding the Final EIR/EIS, but is providing some clarifying comments regarding our interagency consultation process. On page 3.20-6, the Final EIR/EIS includes a paragraph discussing the essential fish habitat (EFH) consultation pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and the consultation for endangered steelhead trout pursuant to Section 7 of the Endangered Species Act (ESA). NMFS would like to clarify that your EFH consultation requirement was satisfied by your January 3, 2013, response in which Caltrans adequately incorporated our EFH conservation recommendations. Assuming continued coordination on implementation of the REMP, NMFS has no additional comments to provide regarding EFH. As a matter of clarification, NMFS concluded Section 7 consultation in accordance with 50 CFR 402.13 (a) for the proposed project on May 16, 2013. NMFS recommends that the Final EIS/EIR reference the EFH and ESA consultations under separate headings given the different underlying issues and statutes.

NMFS appreciates the interagency coordination and Caltrans' approach to address adverse impacts associated with the proposed project. We concur that 8 + 4 with Buffer Alternative is the LEDPA and that the REMP provides the appropriate framework for meeting mitigation obligations for impacts to NMFS trust resources. We look forward to continued engagement on REMP implementation.

Thank you for consulting with NMFS. If you have any questions associated with our comments, please contact Bryant Chesney at (562) 980-4037 or [Bryant.Chesney@noaa.gov](mailto:Bryant.Chesney@noaa.gov).

Sincerely,

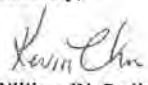
  
 for William W. Stelle, Jr.  
 Acting Regional Administrator



Figure 5.4-14: NOAA/NMFS Concurrence with LEDPA



**DEPARTMENT OF THE ARMY**

Los Angeles District, Corps of Engineers  
P.O. Box 532711  
Los Angeles, California 90053-2325

July 15, 2013

REPLY TO  
ATTENTION OF:

Office of the Chief  
Regulatory Division

Kim T. Smith, Chief, Environmental Stewardship Branch  
California Department of Transportation, District 11  
ATTN: Sandra Lavender  
4050 Taylor Street, MS-242  
San Diego, California 92110

Subject: I-5 North Coast Corridor (I-5 NCC) Project, Request for Agency Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) and the Conceptual Mitigation Plan (Resource Enhancement and Mitigation Program)

Dear Ms. Smith:

The U.S. Army Corps of Engineers (Corps) is responding to the California Department of Transportation (Caltrans) request, dated April 29, 2013, for concurrence on the "Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA)" and the "Conceptual Mitigation Plan", known as the Resource Enhancement and Mitigation Program (REMP), for the Interstate (I) 5 North Coast Corridor Project, San Diego County, California.

In accordance with the *National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU)*, you sent a request for our concurrence on the "Preliminary LEDPA" and the "Conceptual Mitigation Plan" (REMP), to complete our third checkpoint in the NEPA/404 MOU process. To support the preliminary LEDPA determination, you submitted to us a draft section 404(b)(1) alternatives analysis; and as you know, we have reviewed more than one version of the document, with the latest version provided to us by electronic mail on May 29, 2013.

The Corps concurs, based on on-going resource and regulatory agency meetings and the review of draft documents to date, that the Caltrans-identified "Preferred Alternative, 8+4 with

**Figure 5.4-15: USACE Concurrence with LEDPA**

-2-

Buffer”, as described in the Draft Environmental Impact Report/Statement (EIR/S), and further refined in the Supplemental EIR/S to minimize impacts, is the “Preliminary LEDPA”. However, this concurrence is based on Caltrans incorporating our latest changes into the draft section 404(b)(1) alternatives analysis document, which, when finalized, will provide the basis for the Corps to make a final LEDPA determination in our Record of Decision.

The Corps also concurs that the conceptual mitigation plan, known as the REMP, is adequate in establishing a framework for addressing compensatory mitigation for project-associated impacts to waters of the U.S. consistent with the included implementation schedule. Moreover, as discussed in the REMP, site-specific plans and other documents, including Habitat Mitigation and Monitoring Plans for each proposed establishment, restoration, and/or enhancement of aquatic resources, will have to be prepared and approved by the Corps and other applicable agencies prior to implementing each of the REMP’s compensatory mitigation projects.

The Corps has provided early and consistent input on this proposed project and alternatives via our participation in the I-5 NCC Working Group, which includes representatives of Federal and State resource and regulatory agencies. The Corps appreciates the opportunities Caltrans has provided for reviews and feedback on this project and alternatives via the Working Group. We thank you for requesting our agreement on the preliminary LEDPA and the REMP, and we look forward to our continued partnership in concluding the NEPA/404 MOU process for this project.

If you have any questions, please contact Stephanie Hall of my staff at 213-452-3410 or via e-mail at Stephanie.J.Hall@usace.army.mil. Please refer to this letter and SPL-2004-01089-SJH in your reply.

Sincerely,



Mark D. Cohen  
Deputy Chief, Regulatory Division

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Figure 5.4-15 (cont.): USACE Concurrence with LEDPA





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

Manuel Sanchez  
 Federal Highway Administration  
 401 B Street, Suite 800  
 San Diego, California 92101

JUN 10 2013

Subject: EPA Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative and Conceptual Mitigation Plan for the Interstate 5 North Coast Corridor Improvement Project

Dear Mr. Sanchez:

The U.S. Environmental Protection Agency (EPA) has reviewed the request for concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative and Conceptual Mitigation Plan for the Interstate 5 North Coast Corridor Project. Our review is pursuant to the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (NEPA/404 MOU). EPA is both a "Cooperating Agency and a "Participating Agency" (as defined in 23 USC 139) for this project.

EPA previously rated the Draft EIS and the Supplemental Draft EIS for this project as *Environmental Concerns – Insufficient Information* (EC-2), provided comments on an Administrative Draft of the Final EIS, and provided concurrence on the Purpose and Need and Range of Alternatives to be analyzed in the EIS.

Following our review of the 404(b)1 package and Mitigation Plan materials submitted, coordination at interagency meetings, and previous correspondence to date, EPA provides concurrence that the 8+4 with Buffer Alternative is the preliminary least environmentally damaging practicable alternative. EPA also concurs with the conceptual mitigation plan (Resource Enhancement and Mitigation Program).

While we are providing concurrence with the preliminary LEDPA and conceptual mitigation plan, through this letter we reiterate the importance of demonstrating compliance with EPA's 404(b)1 Guidelines through analysis of the direct, indirect and cumulative impacts to waters of the U.S. (40 CFR 230.11 (h)). For unavoidable indirect impacts to waters, Caltrans must provide compensatory mitigation (40 CFR 230.10 (d)). Only when this analysis has been performed can the applicant or the resource and regulatory agencies be assured that no discharge other than the practicable alternative with the least impact on the aquatic ecosystem has been selected (40 CFR 230.10(a)). We continue to recommend that FHWA and Caltrans clarify and quantify the indirect impacts to waters of the U.S., where feasible, and propose compensatory mitigation for any unavoidable, indirect impacts. The description of the approach for compensatory mitigation outlined in the Final EIS should reflect the most current description of mitigation under the Resource Enhancement and Mitigation Program.

Further, we understand that Caltrans and FHWA have been corresponding with the Army Corps of Engineers to integrate additional edits to the 404(b)1 Package and REMP. At your earliest convenience, please submit to us the final version of those documents with additional edits incorporated so that we can confirm that our concurrence is still valid.

Printed on Recycled Paper

Figure 5.4-16: USEPA Concurrence with LEDPA

Thank you for coordinating through the NEPA/404 MOU process. We look forward to continuing to work with you and Caltrans for the remainder of the environmental review and permitting process for this project. If you have any questions on our comments, please contact me at 415-947-4161 or Elizabeth Goldmann (415-972-3398), the lead reviewers for this project.

Sincerely,



Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division

cc via Email: Shay Lynn Harrison, California Department of Transportation  
Kim Smith, California Department of Transportation  
John Chisholm, California Department of Transportation  
Stephanie Hall, U.S. Army Corps of Engineers  
Susan Wynn, U.S. Fish and Wildlife Service  
Bryant Chesney, National Marine Fisheries Service  
Tami Grove, California Coastal Commission  
Tim Dillingham, California Department of Fish and Game  
Mike Porter, California Regional Water Quality Control Board San Diego Region

Figure 5.4-16 (cont.): USEPA Concurrence with LEDPA



**From:** Shawna Anderson [<mailto:shawna@sdrp.org>]  
**Sent:** Wednesday, May 22, 2013 10:34 AM  
**To:** Harrison, Shay Lynn M@DOT  
**Cc:** Dick Bobertz; 'Susan Carter'  
**Subject:** North Coast Bike Trail 4(f) concurrence

Hi Shay,

The San Dieguito River Park JPA Board at their May 17 meeting concurred with the I-5 NCC Project's use of SDRP 4(f) property for the North Coast Bike Trail, with the condition that it connect to the Coast to Crest Trail and that Caltrans work with the JPA on the design details for that connection.

Please let me know if you need something more formal from us for your concurrence requirement.

Thanks!

Shawna

**Shawna Anderson, AICP**

*Principal Planner*

San Dieguito River Park JPA

18372 Sycamore Creek Rd,

Escondido, CA 92025

858-674-2275, ext 13

FAX: 858-674-2280

[www.sdrp.org](http://www.sdrp.org)

Figure 5-5.1: San Dieguito River Park Concurrence on Section 4(f) Exemption

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
 4050 TAYLOR STREET, M.S. 242  
 SAN DIEGO, CA 92110  
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 FAX (619) 688-4237  
 TTY 711  
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August 27, 2013

11-SD-5  
 PM: R28.4 to R55.4  
 EA: 235800 (1100000159)  
 SCH#: 2004101076

Mr. Edmund Pert  
 California Department of Fish & Wildlife  
 South Coast Region 5  
 3883 Ruffin Road  
 San Diego, CA 92123

Dear Mr. Pert:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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Figure 5-5.2: CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Edmund Pert  
August 27, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins. The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end.

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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon



Mr. Edmund Pert  
August 27, 2013  
Page 3

The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### Proposed *De Minimis* Finding

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially

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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

Mr. Edmund Pert  
August 27, 2013  
Page 4

increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### Coordination between Caltrans/FHWA and the California Department of Fish and Wildlife

In correspondence received from the CDFW during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the CDFW did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon



Mr. Edmund Pert  
August 27, 2013  
Page 5

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosure

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

*"Caltrans improves mobility across California."*

Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

**California Department of Fish & Wildlife Service Concurrence with *De Minimis* Impact  
Finding for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.



Mr. Edmund Pert  
Regional Manager  
California Department of Fish & Wildlife  
South Coast Region 5

8-30-13  
DATE

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Figure 5-5.2 (cont.): CDFW Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
 4050 TAYLOR STREET, M.S. 242  
 SAN DIEGO, CA 92110  
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 FAX (619) 688-4237  
 TTY 711  
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August 1, 2013

11-SD-5  
 PM: R28.4 to R55.4  
 EA: 235800 (1100000159)  
 SCH#: 2004101076

Mr. Brian Albright, Director  
 County of San Diego  
 Department of Parks and Recreation  
 5500 Overland Avenue, Suite 410  
 San Diego, CA 92123

Dear Mr. Albright:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

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**Figure 5-5.3: County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins.

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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon



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The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end. The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination and Communication between Caltrans/FHWA and the County of San Diego**

Specific responses to each comment in your November 23, 2010, letter from DPR to Caltrans regarding the I-5 NCC Project DEIS will be included in the Final Environmental Impact Statement (FEIS). The DPR has stated it would like additional information prior to concurrence with the proposed *de minimis* finding. Summaries of the more substantive issues raised in relation to this issue, and their responses, are as follows:

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon**

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Trailheads at Solana Hills Drive and North Rios Avenue in City of Solana Beach

**Issues** The trailhead was described as being a rather minor access point and it was stated that enhancements at the more heavily used North Rios Avenue trailhead should be explored instead. Questions of ownership and maintenance were also raised along with confirmation that an easement road would still be accessible. There were also concerns over the nature of proposed lighting, of a retaining wall, and over erosion control at the North Rios Avenue trailhead.

**Response** The locations of proposed community enhancements were discussed with various stakeholders, with improvements to the existing trailhead prioritized by the City of Solana Beach, which would manage the proposed amenities. Improvements to other access points and various enhancements, including means of controlling erosion, could be a point of the ongoing stakeholder discussion. Easement road access would be maintained. Lighting would be provided for safety along the I-5 Bike Trail connected to the I-5 freeway, but would be shielded and directed away from the Reserve. Unless lighting is required by the cities, no lighting for the trails within the Reserve is anticipated. Daytime lighting of undercrossings may be required on some trails, though nighttime lighting is not proposed for trails within the Reserve, which would help discourage nighttime use. The purpose of the retaining wall is to minimize encroachment onto adjacent habitat, and it would need to be 30-40 feet tall in order to do so. The freeway users would see the face of the wall. The trail users would be above the retaining wall. In addition, planting to screen the wall is a commitment as part of project design, diminishing perceived incompatibility with the character of the Reserve. Caltrans is in ongoing, extensive coordination with the California Coastal Commission (CCC), and only native plant species would be planted. The Design Guidelines for I-5 strives to be consistent with the character of the adjacent community landscape. Therefore, Caltrans would coordinate with the stakeholders and the CCC to determine if non-native drought tolerant plants would also be feasible to screen the retaining walls in certain areas.

Manchester Avenue Pedestrian Bridge and Trail, City of Encinitas

**Issues** Concerns over nighttime lighting impacts on wildlife and on perceived security issues were raised at this location, along with trail and retaining wall design. Potential public safety and access problems in an adjacent area were also raised.

**Response** The Manchester Avenue pedestrian bridge and suspended trail would comprise part of the regional I-5 North Coast Bike Trail to provide for and improve public access. Lighting would be provided along Manchester Avenue and the bridge for safety, but would be shielded to help focus light on the trail and avoid the Reserve. The use of retaining walls would

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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reduce the size of the impacted area and, along with fencing, help keep users out of more sensitive areas. In certain locations signage would also be used to discourage access into sensitive areas and to advise users that the Reserve is closed after dark. The bike trail is not within the Reserve. Requested access points between the I-5 Bike Trail and the Reserve would be coordinated with the DPR, DFW, and SELC to install features that restrict bicycle access to the reserve trails. Co-located bike/pedestrian trails would consist of paved surface for bikes and an adjacent soft surface for pedestrians. The pedestrian trail along the west side of the freeway south of the lagoon within the Reserve would be decomposed granite. The toe of the slope would be revegetated with salt marsh species and bioswales would be kept out of wetland.

*Issues 2e)* Retaining walls adjacent to the proposed trail along the south side of the lagoon do not fit the natural character of the lagoon and may interfere with proposed restoration efforts. Please design the trail such that a retaining wall is not required.

*Response* The retaining wall proposed on the south side of the lagoon would support the trail mid-slope rather than down at toe of slope where it is currently sited. The purpose of the wall is to minimize slope spread, separate trail users from more sensitive portions of the lagoon such as areas along the water edge, and retain construction and use impacts to within Caltrans right-of-way. Lack of a retaining wall would result in additional environmental impacts and is therefore currently not under consideration for final design. The retaining wall is being developed in coordination with the restoration efforts.

*Issues 2c)* Trail improvements on the west side of I-5 should extend the length of the berm to connect to the existing trail along the south shore of the lagoon. A current foot trail at the toe of the slope should be removed during construction of the bio-swale, and the area returned to salt marsh.

*Response* A retaining wall would be installed to support a 12-foot-wide paved trail along the south side of the lagoon for bicycles and pedestrians. Fencing and other methods, as well as signage, would be used to keep bicycles on the approved trail and out of the reserve. A pedestrian trail would also be continued on the east side of the lagoon. This would eliminate the need for the existing trail at the toe of slope in this area and provide additional area for restoration. The impact area at the toe of the slope will be revegetated with salt marsh species. The bioswales will not be placed within the wetland.

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**



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Affected Environment, Consequences, and Avoidance, Minimization, and Mitigation Measures

**Issues** It was stated that the EIR/EIS be revised to include analysis of its relationship to various regional trails, including the California Coastal Trail, the Coast to Crest Trail, and the Trans County Trail. Mention was made that regulatory language citations may have been in error, that there were discrepancies in certain acreage impacts reported, and that there was a need for a map showing sensitive plant locations for the San Elijo Lagoon.

**Response** Project elements including various pedestrian and bicycle trail enhancements would be expected to improve the movement of users throughout the corridor, including those traveling a local, short distance and those traveling further, and is consistent with goals for the area. By facilitating improved pedestrian and bicycle movement along the project area, access to other local or regional trails is also enhanced whether or not these other trails are contiguous with trails along the I-5 corridor. This results from the reduction or elimination of non-contiguous segments that would otherwise force users onto surface streets, and thereby improves movement throughout the region. Regarding regulatory language, the code cited is an implementing code for the original codification at 23 USC 303, and is cited as part of the Caltrans template for CEQA/NEPA environmental documents. The refined 8+4 Buffer Alternative is identified in the FEIR/EIS as the Preferred Alternative, and the amount of impact is anticipated to be 0.18 acres, with the numbers in Section 3.1.3 and Appendix A now matching. Additionally, a figure showing sensitive plant species on San Elijo Lagoon slopes was included as Figure 3.19.1, *Sensitive Plant Locations*, in the DEIR/EIS and is retained in the FEIR/EIS.

Appendix A – Resources Evaluated Relative to 4(f), Section 4.2 San Elijo Lagoon Ecological Reserve

**Issues** The I-5 NCC project's trail improvements to the existing informal trail under the I-5 bridge would represent a more formal accommodation of this trail that connects with other trails on the berms running parallel to I-5 along the east and west sides, but this trail is not currently maintained by DPR and it was requested that Caltrans maintenance responsibility be specified. Also, it was stated that the City of Encinitas does not have jurisdiction in accordance with Section 774.17 23 USC 774, and that instead jurisdiction lies with the agencies that own or administer the property which is, in this case, the County of San Diego. It was stated that while it appeared mitigation measures might qualify the project for a *de minimis* finding, no replacement parkland had been proposed, DPR had not been consulted, and that DPR would like a meeting with Caltrans to discuss avoidance and mitigation measures in order to reassure the County that *de minimis* standards are met.

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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*Response* Maintenance for any trail within the San Elijo Conservancy including the pedestrian/bike bridge would be the responsibility of the DPR, City, or the SELC as part of a Maintenance Agreement reached prior to construction. Caltrans will continue to coordinate with agencies having jurisdiction over Section 4(f) properties in regards to impacts and to mitigation in order to help reduce or avoid them. The enhancements in this area would be expected to be neutral or even beneficial relative to existing conditions. Project footprint effects on habitat would be addressed through the project mitigation plan and associated Project Works Plan / Transportation and Resource Enhancement Program (PWP/TREP). Also, it should be noted that replacement parkland is not required under Section 4(f), though it may be a part of Section 6(f) analysis.

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 U.S.C. 303[d]; and 23 U.S.C. 138). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosures

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C


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Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

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**County of San Diego, Parks and Recreation Concurrence with *De Minimis* Impact Finding  
for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the County of San Diego.

  
\_\_\_\_\_  
Mr. Brian Albright  
Director  
Parks and Recreation, County of San Diego

8/10/13  
\_\_\_\_\_  
DATE

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**Figure 5-5.3 (cont.): County of San Diego Parks and Recreation Concurrence on Section 4(f)  
*De Minimis* Finding for San Elijo Lagoon**



STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

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August 6, 2013

11-SD-5  
 PM: R28.4 to R55.4  
 EA: 235800 (1100000159)  
 SCH#: 2004101076

Mr. Doug Gibson  
 San Elijo Lagoon Conservancy  
 2049 San Elijo Avenue  
 Cardiff-by-the-Sea, CA 92007

Dear Mr. Gibson:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

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**Figure 5-5.4: San Elijo Lagoon Conservancy Concurrence on Section 4(f) De Minimis Finding for San Elijo Lagoon**

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#### APPLICABILITY OF SECTION 4(f)

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**Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon**

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The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

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**Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon**



Mr. Doug Gibson  
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increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

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Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### Coordination between Caltrans/FHWA and the San Elijo Lagoon Conservancy

In correspondence received from the SELC during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the SELC did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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**Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon**

Mr. Doug Gibson  
August 6, 2013  
Page 5

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosure

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C


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**Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon**



San Elijo Lagoon Conservancy Concurrence with *De Minimis* Impact Finding for San Elijo Lagoon Reserve

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.

  
 Mr. Doug Gibson  
 Executive Director and Principal Scientist  
 San Elijo Lagoon Conservancy

8.12.2013  
 DATE

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Figure 5-5.4 (cont.): San Elijo Lagoon Conservancy Concurrence on Section 4(f) *De Minimis* Finding for San Elijo Lagoon

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, M.S. 242  
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April 30, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Skip Hammann  
Public Works Director  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Hammann:

**RE: Agua Hedionda Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11 on behalf of the Federal Highway Administration (FHWA) is seeking written concurrence for potential use of a portion of Agua Hedionda Lagoon within the City of Carlsbad along Interstate 5 (I-5), that potential use of park land would not alter the functions of this recreational facility.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. FHWA and Caltrans have concluded that the Agua Hedionda Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to Agua Hedionda Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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**Figure 5-5.5: City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon**

Mr. Skip Hammann  
April 30, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) legislation allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA in the case of parks, recreation areas, and wildlife and waterfowl refuges, that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### DESCRIPTION OF AGUA HEDIONDA LAGOON WITHIN THE PROJECT BOUNDARY

Agua Hedionda Lagoon, located in Carlsbad, is an approximately 162-ha (400-ac), man-made water body that was constructed in 1954. Agua Hedionda Lagoon, as shown in Figure 15, is surrounded by the Pacific Ocean to the west, undeveloped land to the east, the Encina Power Plant to the south, and residential development to the north. Agua Hedionda Lagoon is connected to the Pacific Ocean through an inlet channel, and to Agua Hedionda Creek and its tributaries in the inner lagoon.

Agua Hedionda Lagoon is owned by Cabrillo Power II, a privately owned corporation, who leases the lagoon to the City of Carlsbad to manage recreational and commercial uses. This long-term lease began in 1957, and is to be renewed every ten years. This agreement turns over operation of the lagoon to the City of Carlsbad, which makes the resource subject to Section 4(f) protection. The City of Carlsbad allows boating and water skiing on the lagoon, and the YMCA operates a canoeing center. A white seabass research facility, jointly managed by Hubbs/Seaworld and California Department of Fish and Wildlife (CDFW), is located at the lagoon, as is a commercial mussel-growing facility. These recreational, research, and commercial activities would not be impacted during construction of the proposed project.

CDFW manages a 75-ha (186-ac) Ecological Reserve consisting of wetlands located at the eastern end of the lagoon (see Figure 15). This Ecological Reserve is owned by the State of California; however, this Ecological Reserve is located approximately 914 m (3,000 ft.) east of the proposed project. Implementation of the proposed project would not require use of any land within the Agua Hedionda Lagoon CDFW Reserve.

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**Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon**

Mr. Skip Hammann  
April 30, 2013  
Page 3

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative north of Palomar Airport Road would occur between years 2030 to 2035. This phase includes the Agua Hedionda bridge replacement and I-5 North Coast (NC) Bike Trail. Permanent impacts from these improvements would use approximately 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement. The temporary construction easement enables improvements that avoid further use of the lagoon. The area for use would be of open water and undeveloped land leased to the City of Carlsbad, which is approximately 1.1% of the total area of Agua Hedionda Lagoon. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the City will continue to clarify the proposed use of the lagoon and adjacent areas by the proposed project.

#### **Proposed *De Minimis* Finding**

Implementation of the proposed project would not impede the ability of the lagoon recreation for boating, water skiing, and canoeing. Public and private access to the lagoon would not be affected. The proposed project would not interfere with existing or planned trails and instead provides an opportunity to enhance and connect with them. The visual character of the lagoon would not be adversely changed; the use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly, and would ultimately result in a view of the area adjacent to I-5 as similar to the existing condition. Increases in noise levels would not be noticeable to lagoon users. With the project, future noise levels at the lagoon are projected to increase approximately 2 dBA over a majority of the lagoon. This 2 dBA increase would not be perceptible to the human ear. The increase also would not substantially increase the potential for noise to impact sensitive species.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project.

Overall, it is expected that use of 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement of the lagoon would not adversely affect any of the activities, features, or attributes of the publicly owned regional open space park that qualify the resource for protection under Section 4(f), and is proposed as *de minimis*.

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**Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon**



Mr. Skip Hammann  
April 30, 2013  
Page 4

#### Coordination between Caltrans/FHWA and the City of Carlsbad

In the City of Carlsbad comment letters dated November 22, 2010 and October 12, 2012 on the Draft EIR/EIS and Supplemental Draft EIR/EIS (respectively), the City commented on the trails for Agua Hedionda Lagoon and stated that east/west crossing at both bridge abutments are critical for connectivity for trails, including the Coastal Rail Trail. Caltrans will incorporate "Potential Future Pedestrian/Bike Trail and Wildlife Benches" next to the north and south abutments of the Agua Hedionda bridge. Caltrans on behalf of FHWA is continuing the coordination with the City of Carlsbad. Caltrans and the City met on February 15, 2013, and had a teleconference on March 28, 2013.

Since the project design is still in the preliminary phases, further coordination with the City of Carlsbad will occur regarding the following:

- Visual changes resulting from implementation of the LPA, including the Agua Hedionda bridge replacement, I-5 NC Bike Trail, and the proposed retaining wall for this bike trail.
- How the I-5 NC Bike Trail would connect with the planned east-west trails under and east of I-5 to enable travel between inland areas and the beach.
- How to best design the LPA, including the Agua Hedionda bridge replacement and the I-5 NC Bike Trail, to avoid and/or reduce impacts to the Foxes lift station.
- How to best enhance the nearby recreation uses and public use of the lagoon and trails.
- Consideration of pets on proposed lagoon trails.

Furthermore, Caltrans acknowledges the City may identify other concerns besides those listed above, particularly since construction of the LPA in the vicinity of the lagoon is not scheduled until 2030 at the earliest. For that reason, Caltrans agrees to continue its coordination efforts with the City into the future.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

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**Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon**

Mr. Skip Hammann  
April 30, 2013  
Page 5

Enclosure


c: Shay Lynn Harrison, Chief, Environmental Analysis, Branch C

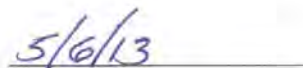
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**Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon**

City of Carlsbad Concurrence with *De Minimis* Impact Finding for Agua Hedionda Lagoon

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, Agua Hedionda Lagoon, for protection under Section 4(f) within the City of Carlsbad.

  
Mr. Skip Hammann  
Public Works Director  
City of Carlsbad

  
DATE

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Figure 5-5.5 (cont.): City of Carlsbad Concurrence on Section 4(f) *De Minimis* Finding for Agua Hedionda Lagoon

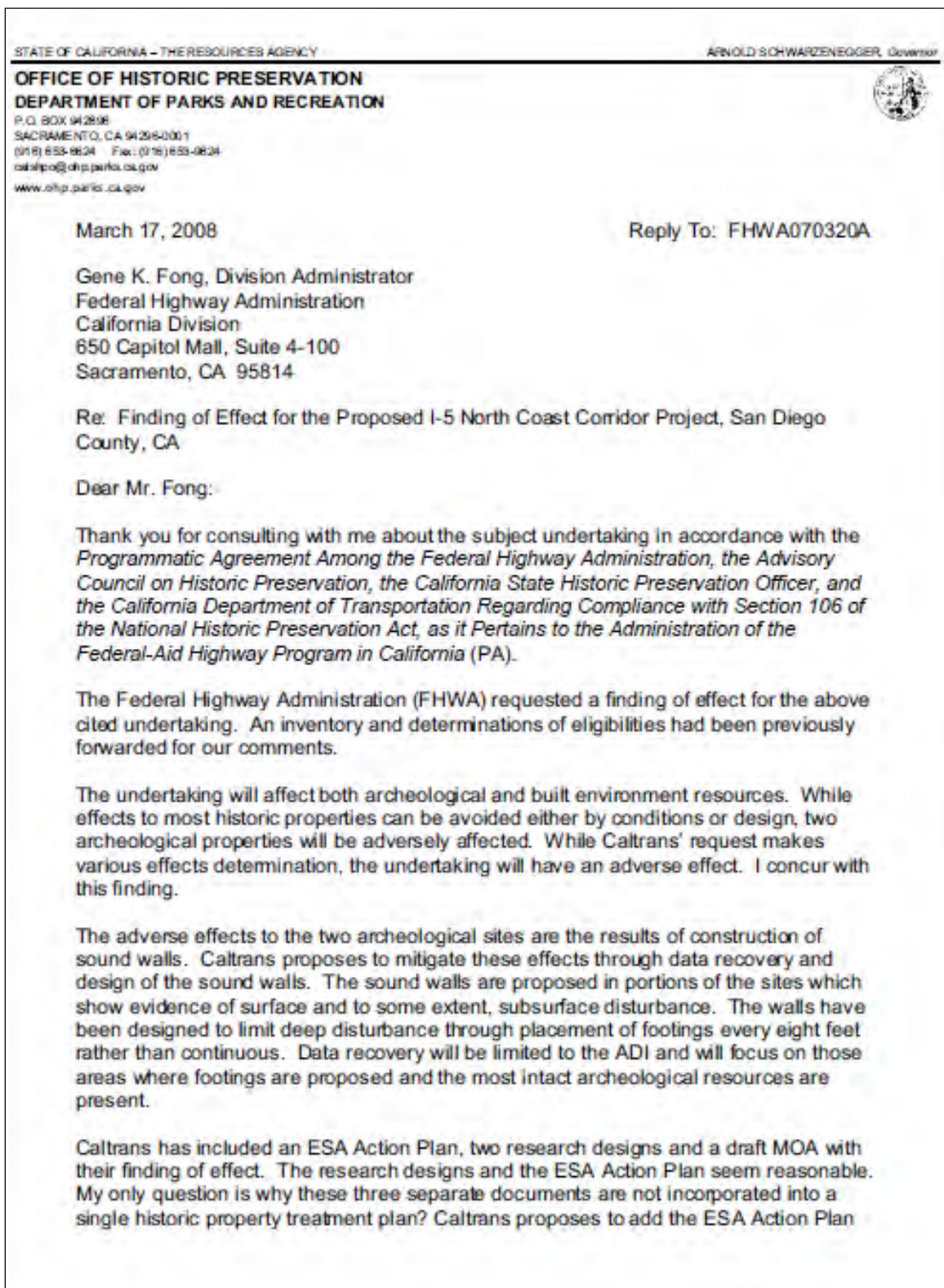


Figure 5-5.6: SHPO Coordination



Mr. Fong  
March 17, 2008  
Page 2 of 2

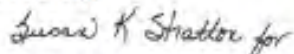
as a construction stipulation, but for the purposes of the MOA, it would be cleaner and simpler to incorporate all of these documents into a single plan.

The MOA would benefit from three major changes. First, does FHWA plan to participate in this MOA or should it be formatted for Caltrans to participate as the Agency Official? If the latter is the case, the MOA should include reference to the MOU delegating Caltrans such authority. Second, as noted above, by incorporating the two research designs and ESA Action Plan into a single Historic Property Treatment Plan would make the MOA much simpler. The HPTP could become an appendix to the MOA and the citation could provide for changes to the plan without amending the MOA. Reference to treatment of individual properties would be added to the plan and not called out in the MOA. Finally, the MOA should use standard administrative stipulations which are found in most of OHPs MOAs and PAs rather than the ones proposed. Other editorial changes are necessary such as Caltrans agreeing to implement the stipulations of the agreement document.

In summary, given the limited nature of the adverse effects, the proposed treatment of historic properties is reasonable.

Thank you for considering historic properties as part of your project planning. If you have any questions, please contact Dwight Dutschke of my staff at your earliest convenience at (916) 653-9134 or e-mail at [ddutschke@parks.ca.gov](mailto:ddutschke@parks.ca.gov) or Natalie Lindquist at (916) 654-0631 or e-mail at [nlindquist@parks.ca.gov](mailto:nlindquist@parks.ca.gov).

Sincerely,



Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

Figure 5-5.6 (cont.): SHPO Coordination



**"Pratt, Trevor"**  
**<TPratt@parks.ca.gov>**  
 05/12/2010 10:28 AM

To: <Kim.T.Smith@dot.ca.gov>  
 cc: "Lindquist, Natalie" <n.lindquist@parks.ca.gov>,  
 <Debra.Dominici@dot.ca.gov>, <Koji.Tsunoda@dot.ca.gov>  
 bcc:  
 Subject: Biological Mitigation Activities Related to the North Coast  
 Interstate 5 Corridor Project

Dear Ms. Smith

Thank you for submitting your Notification of No Adverse Effects with Standard Conditions for the biological mitigation activities related to the North Coast Interstate 5 Corridor Project in San Diego County. The standard conditions and ESAs for all sites in the Area of Direct Impact will suitably protect the sites. In future correspondences, if necessary, please refer to FHWA100415A.

I have no objections to your findings. Thank you for seeking my comments and for considering historic properties in planning your project.

**Sincerely,**

Trevor Pratt  
 Assistant State Archaeologist  
 Office of Historic Preservation  
 Phone: (916) 651-0831

**Figure 5-5.7: SHPO Coordination on Biological Mitigation Parcels**

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
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July 1, 2013

Manuel Sanchez  
Federal Highway Administration  
California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

File: 11-SD-5  
PM: R28.397 / R55.4  
EA: 235800

Dear Mr. Sanchez:

**Subject:** Fifth and Sixth Supplemental Historic Property Survey Reports (HPSR) Submitted Pursuant to the Section 106 PA; Revised Finding of Effect for the I-5 North Coast Corridor Project, Submitted Pursuant to Stipulation X.B.1.a of the Section 106 PA

The California Department of Transportation (Caltrans) is notifying the Federal Highway Administration (FHWA) of APE revisions for the I-5 NCC, requesting for FHWA review and concurrence with the Finding of No Adverse Effect (FNAE), and requesting FHWA consult with SHPO regarding the project's affects on historic properties. The I-5 NCC has been exempted from delegation, and therefore, is not subject to the *Memorandum of Understanding* between FHWA and Caltrans concerning the State of California's Participation in the MAP 21 Program. As such, the enclosed FNAE is being transmitted to FHWA in accordance with Stipulation X.B.1.a of the Section 106 Programmatic Agreement (PA), which became effective on January 1, 2004. Under the PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A), the adequacy of historic property identification efforts (Stipulation VIII.B), and evaluation of historic properties (Stipulation VIII.C). All of the above efforts culminated in the avoidance of adverse effects as resources were identified.

The I-5 NCC is located in the central coastal area of San Diego County, between PM 28.397 and 54.4 along Interstate 5, and PM 27.312 and 28.8 along Interstate 805. The proposed project will widen Interstate 5 to add High Occupancy Vehicle (HOV), General Purpose, and Auxiliary Lanes (see the 2007 HPSR for more details). Previous cultural resource reports for this project include the 2007 HPSR, five Supplemental HPSRS (2008-2010), and several technical studies.

In the Fifth Supplemental HPSR, Caltrans changed the effect finding at site CA-SDI-7296. The finding warranted re-evaluation, per Stipulation VIII.C.4, since the previous justification was based on an error of fact. Caltrans has changed the effect finding from No Adverse Effect with Standard Conditions-ESA to No Historic Properties Affected since CA-SDI-7296 was determined ineligible to the NRHP, so by definition is not a historic property according to Stipulation II. CA-SDI-7296

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**Figure 5-5.8: Caltrans Letter to FHWA Regarding APE Revisions**



Mr. Sanchez  
July 1, 2013  
Page 2

had been established as an ESA in the 2008 Second Supplemental HPSR on the incorrect notion that the eastern portion of the site had not been tested. This Fifth Supplemental HPSR has been transmitted for your records.

In accordance with Attachment 3 of the PA, Caltrans PQS modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE: updating the original APE (2007) by adding the Biological Mitigation Projects (2008-2010) and new areas shaped by project redesign (2013), but removing archaeological site CA-SDI-17928 and built environment resource 510-514 La Costa Avenue which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE. The sites listed above and the archaeological sites related to the supplemental APE are the only cultural resources represented in the APE map (Exhibit 3 in the HPSR). No resources were identified within the Supplemental APE and a Finding of No Historic Properties Affected, per Stipulation IX.A, is appropriate. This Sixth Supplemental HPSR has been transmitted for your records.

The 2013 FNAE documents the effect finding change for the project as a whole that has transpired with project redesign. Caltrans will no longer build the proposed soundwalls (SW723 and SW729) to the north and south of the Batiquitos Lagoon in Carlsbad, San Diego County. All effects to sites CA-SDI-12670 and CA-SDI-17928 will be avoided as a result of this change. As previously determined, this undertaking will not cause an adverse effect to the built environment historic property located at 767 Orpheus Avenue, since the sliver takes required for this project would not affect any of the qualities that make this property significant. This 2013 FNAE reiterates the argument presented in 2007 Finding of Effect regarding the 767 Orpheus Avenue property. All other resources within the APE are protected by Environmentally Sensitive Area designations. As previously determined and pursuant to Stipulation X.B.2.a(ii), Caltrans is assuming that the following archaeological sites are eligible for the purposes of this undertaking only: CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. Environmentally Sensitive Area (ESA) designations will be delineated at and around these sites and the 2013 ESA Action Plan (which updated the 2007 ESA Action Plan submitted to FHWA and SHPO on December 4, 2007 and approved by SHPO on March 17, 2008) will be enacted to ensure that the project will avoid these resources. Caltrans will now avoid all adverse effects to historic properties (properties that were previously impacted and adversely affected are now avoided). As such, the 2007 draft Memorandum of Agreement and 2007 Cultural Resources Treatment Plan are no longer required for this undertaking.

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**Figure 5-5.8 (cont.): Caltrans Letter to FHWA Regarding APE Revisions**




Mr. Sanchez  
July 1, 2013  
Page 3

FINDING	RESOURCE
NO ADVERSE EFFECT (Without Standard Conditions) - <i>De minimis</i> finding under Section 4(f)	767 Orpheus Avenue
NO ADVERSE EFFECT (with Standard Conditions-ESA)	CA-SDI-209
	CA-SDI-603
	CA-SDI-607
	CA-SDI-628
	CA-SDI-762
	CA-SDI-6849
	CA-SDI-10965
	CA-SDI-12670
	CA-SDI-16637
	CA-SDI-16638H
	CA-SDI-16639
	CA-SDI-17672
	CA-SDI-17907H
	CA-SDI-17960
	CA-SDI-18917

Lastly, Caltrans is also informing the SHPO that this notification will be treated as the SHPO's concurrence for this project's Section 4(f) *de minimis* determination.

The enclosed FNAE documents Caltrans' Section 106 responsibilities. Caltrans hereby notifies FHWA that these findings are in accordance with Stipulation X.B.1.a of the PA and requests FHWA to consult with SHPO regarding the project's effects on historic properties in the APE. If you have any questions or comments, please contact me at (619) 688-0240 or [kevin\\_hovey@dot.ca.gov](mailto:kevin_hovey@dot.ca.gov).

Sincerely,



KEVIN HOVEY, Chief  
Environmental Analysis, Branch D  
Cultural Resource Studies— Local Assistance Liaison

Enclosures (3)

c: Shay Lynn Harrison, Chief of Environmental Analysis, Branch C, Caltrans District 11  
K. Tsunoda, Heritage Resources Coordinator/Cultural Library, Caltrans District 11  
T. Jaffke, 106 Coordinator, Caltrans Headquarters  
South Coast Information Center (SCIC)-SDSU

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**Figure 5-5.8 (cont.): Caltrans Letter to FHWA Regarding APE Revisions**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

July 12, 2013

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001  
(916) 498-5008 (fax)

In Reply Refer To:  
HDA-CA

Dr. Carol Roland-Nawi  
State Historic Preservation Officer (SHPO)  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

Attn: Ms. Susan Stratton

Dear Dr. Roland-Nawi:

The Federal Highway Administration (FHWA) is notifying the State Historic Preservation Officer (SHPO) of Area of Potential Effect (APE) revisions for the Interstate 5 North Coast Corridor (I-5 NCC) project and requesting SHPO's concurrence with the Finding of No Adverse Effect (FNAE). The I-5 NCC project has been retained by FHWA. As such, the enclosed FNAE is being transmitted to SHPO in accordance with Stipulation X.B.1.a of the Section 106 Programmatic Agreement (PA), which became effective on January 1, 2004.

The I-5 NCC project is located in the central coastal area of San Diego County, between PM 28.397 and 54.4 along Interstate 5, and PM 27.312 and 28.8 along Interstate 805. The proposed project will widen Interstate 5 to add High Occupancy Vehicle, General Purpose, and Auxiliary Lanes (see the 2007 Historic Property Survey Report (HPSR) for more details). Previous cultural resource reports for this project include the 2007 HPSR, five Supplemental HPSRs (2008-2010), and several technical studies.

In the Fifth Supplemental HPSR, Caltrans changed the effect finding at site CA-SDI-7296. The finding warranted re-evaluation, per Stipulation VIII.C.4, since the previous justification was based on an error of fact. Caltrans has changed the effect finding from No Adverse Effect with Standard Conditions-Environmentally Sensitive Area (ESA) to No Historic Properties Affected since CA-SDI-7296 was determined to be ineligible for listing on the National Register of Historic Places; so, by definition it is not a historic property in accordance with Stipulation II. CA-SDI-7296 had been established as an ESA in the 2008 Second Supplemental HPSR on the incorrect notion that the eastern portion of the site had not been tested. This Fifth Supplemental HPSR has been transmitted for your records.

In accordance with Attachment 3 of the PA, Caltrans Professionally Qualified Staff modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE; updates the original APE (2007) by adding the Biological Mitigation Projects (2008-2010); and incorporates new areas shaped by project redesign (2013). In addition, it removes archaeological site CA-SDI-17928 and built-environment resource 510-514 La Costa Avenue which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE. The sites listed above and the archaeological sites related to the supplemental APE are the only cultural resources represented in the APE map (Exhibit 3 in the HPSR). No resources were identified within the Supplemental APE and a Finding of No Historic Properties Affected, per Stipulation IX.A, is appropriate. This Sixth Supplemental HPSR has been transmitted for your records.

Figure 5.5-9: FHWA Letter to SHPO Regarding APE Revisions

The 2013 FNAE documents the effect finding change for the project as a whole that has transpired with project redesign. Caltrans will no longer build the proposed soundwalls (SW723 and SW729) to the north and south of the Batiquitos Lagoon in Carlsbad, San Diego County. All effects to sites CA-SDI-12670 and CA-SDI-17928 will be avoided as a result of this change. As previously determined, this undertaking will not cause an adverse effect to the built-environment historic property located at 767 Orpheus Avenue, since the sliver-takes required for this project would not affect any of the qualities that make this property significant. This 2013 FNAE reiterates the argument presented in 2007 Finding of Effect regarding the 767 Orpheus Avenue property. All other resources within the APE are protected by ESA designations. As previously determined and pursuant to Stipulation X.B.2.a(ii), FHWA and Caltrans have determined that the following archaeological sites are eligible for the purposes of this undertaking only: CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. ESA designations will be delineated at and around these sites and the 2013 ESA Action Plan (which updated the 2007 ESA Action Plan submitted to FHWA and SHPO on December 4, 2007 and approved by SHPO on March 17, 2008) will be enacted to ensure that the project will avoid these resources. Caltrans will now avoid all adverse effects to historic properties (properties that were previously impacted and adversely affected are now avoided). As such, the 2007 draft Memorandum of Agreement and 2007 Cultural Resources Treatment Plan are no longer required for this undertaking.

FINDING	RESOURCE
NO ADVERSE EFFECT (Without Standard Conditions) - <i>De minimis</i> finding under Section 4(f)	767 Orpheus Avenue
NO ADVERSE EFFECT (with Standard Conditions-ESA)	CA-SDI-209
	CA-SDI-603
	CA-SDI-607
	CA-SDI-628
	CA-SDI-762
	CA-SDI-6849
	CA-SDI-10965
	CA-SDI-12670
	CA-SDI-16637
	CA-SDI-16638H
	CA-SDI-16639
	CA-SDI-17672
	CA-SDI-17907H
	CA-SDI-17960
	CA-SDI-18917

Lastly, FHWA is also informing the SHPO that a Section 4(f) *de minimis* determination is being made for the historic property located at 767 Orpheus Avenue.

The enclosed FNAE documents FHWA's Section 106 efforts and responsibilities. FHWA has determined these findings are in accordance with Stipulation X.B.1.a of the PA and requests SHPO to concur with the project's effects on historic properties in the APE. If you have any questions or comments, please contact Larry Vinzant at (916) 498-5040, email [larry.vinzant@dot.gov](mailto:larry.vinzant@dot.gov) or Shawn Oliver at (916) 498-5048, email [shawn.oliver@dot.gov](mailto:shawn.oliver@dot.gov).

Figure 5.5-9 (cont.): FHWA Letter to SHPO Regarding APE Revisions



3

Sincerely,  
  
For: Vincent Mammano  
Division Administrator

Enclosures

Copy Furnished (w/o enclosure):

Michelle Blake, Caltrans D-11  
Kevin Hovey, Caltrans D-11  
Shay Lynn Harrison, Caltrans D-11  
Todd Jaffke, Caltrans HQ  
Manuel Sanchez  
Chris Newman  
Shawn Oliver  
Larry Vinzant  
Jermaine Hannon

Figure 5.5-9 (cont.): FHWA Letter to SHPO Regarding APE Revisions



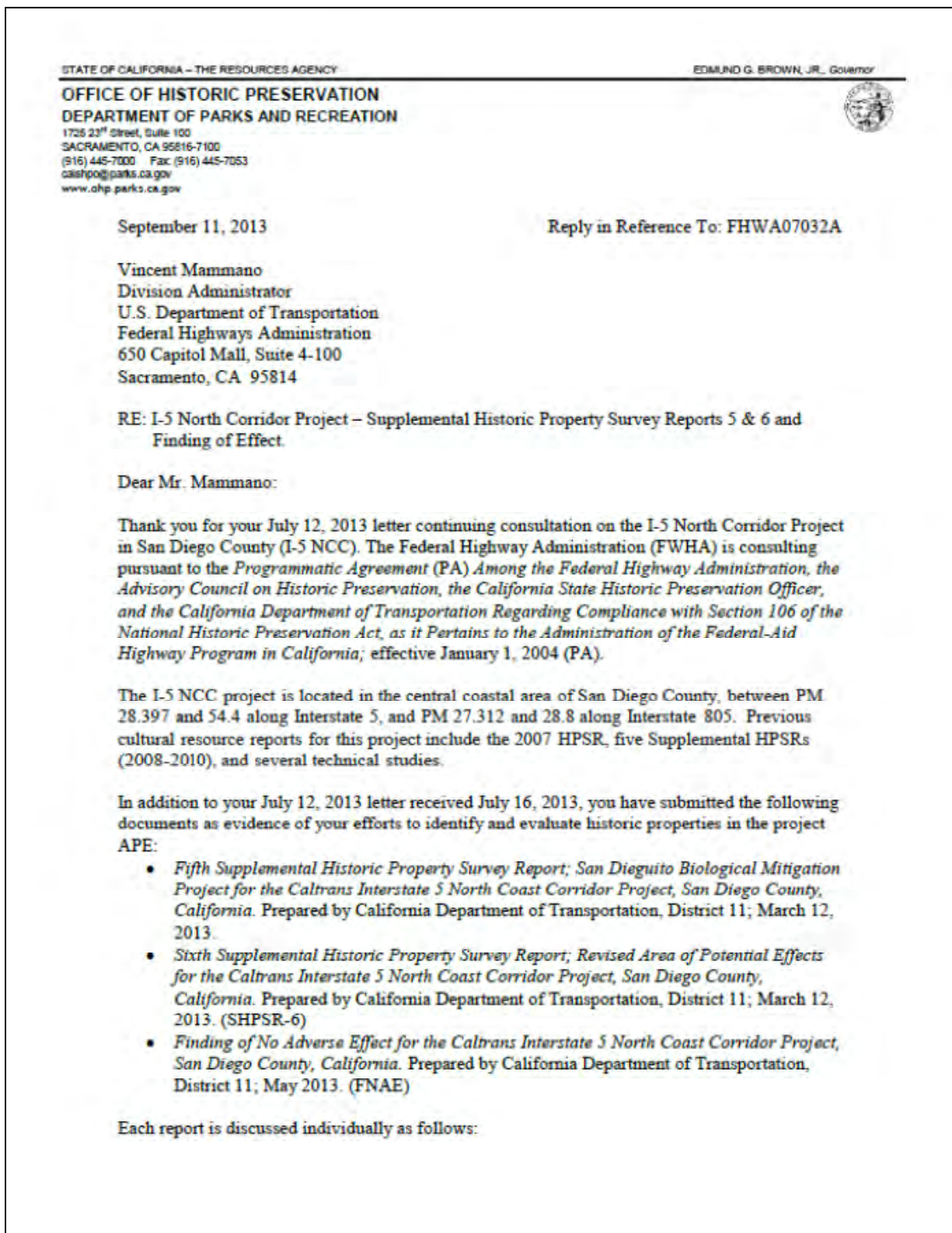


Figure 5-5.10: SHPO Concurrence on Finding of No Adverse Effect

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Fifth Supplemental Historic Property Survey Report: San Dieguito Biological Mitigation Project (SHPSR-5):

The mitigation project area consists of one twenty-two acre parcel (APN-304-090-02) proposed to serve as a biological mitigation parcel for the project. It is planned to plant a variety of native Coastal Sage Scrub species in the Fall of 2013. The Area of Potential Effects (APE) for this SHPSR-5 consists of the parcel boundaries, within which non-native vegetation will be removed and sage seedlings will be planted in hand excavated 20 cm deep X 30 cm diameter holes; denoting the vertical APE.

The records search conducted for the original HPSR at the South Coastal Information Center was updated in November of 2012. CA-SDI-7296 and P-37-029577 have been recorded within the project APE. Site P-37-029577 has been determined Property Type 1 of Attachment 4 of the PA and is exempt from evaluation. The boundaries of site CA-SDI-7296, originally recorded in 1979, have changed several times over the years as new information came to light. In 2001, Caltrans conducted subsurface testing of the site and determined the site ineligible to the National Register of Historic Places (NRHP) to which the SHPO concurred on January 31, 2003. Subsequent testing of the site for the current project in 2007 confirmed these findings. In 2008 a Second SHPSR proposed changing the effect finding from No Adverse Effect with Standard Conditions- Environmentally Sensitive Area (ESA) based on erroneous information that the eastern portion of the site had not been tested and was unevaluated. Caltrans consulted with the SHPO but did not ask for consensus at that time. SHPSR-5 documents the discovery of that error and requests that the determination of CA-SDI-7296 as ineligible to the NRHP established on January 31, 2003 remain the official determination.

Sixth Supplemental Historic Property Survey Report: Revised APE (SHPSR-6):

The APE for the I-5 NCC project was approved on December 20, 2006. Design changes including the avoidance of one archaeological and one built environment resource and the addition of a biological mitigation site, resulted in refined design plans for the Final Environmental Document in December 2012. In accordance with Attachment 3 of the PA, Caltrans Professionally Qualified Staff modified the APE to capture the design revisions of this undertaking. The Sixth Supplemental HPSR unifies the entire I-5 NCC under a single APE; updates the original APE (2007) by adding the Biological Mitigation Projects (2008-2010); and incorporates new areas shaped by project redesign (2013). In addition, it removes archaeological site CA-SDI-17928 and built-environment resources 510-514 La Costa Avenue and 636 Leucadia Blvd; which have been avoided through project redesign. The APE was also modified to incorporate the entire ESA site boundaries of CA-SDI-17672 and CA-SDI-17907 which were mistakenly not included in the 2007 APE.

The changes in the APE encompassed new areas not covered in previous archaeological studies. The November 2012 record search at the South Coastal Information Center and Caltrans Cultural Resource Database were conducted on January 10, 2013. Nine previously recorded cultural resources were within the study area. Intensive pedestrian surface survey, utilizing 10 meter wide transects was conducted in January, 2013 of the study area and attempts made to relocate the nine previously recorded sites. None remained within the APE for the project. No new

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect



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cultural resources were identified. Native American consultation is ongoing.

FHWA is seeking concurrence that the revised APE is sufficient for the project and that additional archaeological study required by changes in the APE and documented in the *Fourth Supplements Archaeological Survey Report* (SHPSR-6; Attachment 1) is sufficient.

#### Finding of No Adverse Effect Document

The I-5 NCC project has undergone significant changes since the initial 2007 Historic Property Survey Report (HPSR). The May 2013 Finding of Effects (FOE) report updates the 2007 with which the SHPO concurred with March 17, 2008. Contrary to the 2007 FOE, the current project will no longer have adverse effects to NRHP eligible cultural resources. FHWA is requesting SHPO concurrence on a Finding of No Adverse Effect for the project as a whole. The following resources lie within the APE and have been assumed eligible to the NRHP for purposes of the project. FHWA has determined there will be No Adverse Effect to these resources with Standard Conditions – ESA Action Plan (approved by SHPO on March 17, 2008): CA-SDI-209; CA-SDI-603; CA-SDI-607; CA-SDI-628; CA-SDI-762; CA-SDI-6849; CA-SDI-10965; CA-SDI-12670; CA-SDI-16637; CA-SDI-16638H; CA-SDI-16639; CA-SDI-17672; CA-SDI-17907H; CA-SDI-17960; CA-SDI-18917. These sites will receive archaeological and Native American monitoring during construction.

National Register of Historic Places eligible property located at 676 Orpheus Avenue also lies within the APE of the project. An area of 314 square meters will be taken from the 4,000 square meter property. FHWA has determined this sliver take will have No Adverse Effect to the property. In addition, FHWA has determined a *de-minimis* finding under Section 4(f).

Pursuant to the PA, the FHWA has determined a finding of No Adverse Effects for the proposed project. Based on your identification efforts, I concur with the findings as listed in the table below:

RESOURCE	DETERMINATION
P-37-029577	Property Type 1 of Attachment 4 of the PA and is exempt from evaluation.
CA-SDI-7296	Ineligible to the NRHP based on January 31, 2003 determination.
Revised APE	The revised APE is sufficient.
SHPSR-6 Att 1	The supplemental archaeological studies are sufficient.
767 Orpheus Avenue	NO ADVERSE EFFECT (Without Standard Conditions) - <i>De minimis</i> finding under Section 4(f)
<b>The following sites assumed eligible to the NRHP for purposes of this project.</b>	
CA-SDI-209	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-603	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-607	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-628	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-762	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-6849	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-10965	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-12670	NO ADVERSE EFFECT (with Standard Conditions-ESA)

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect

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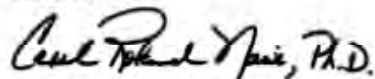
FHWA07032A

CA-SDI-16637	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-16638H	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-16639	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17672	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17907H	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-17960	NO ADVERSE EFFECT (with Standard Conditions-ESA)
CA-SDI-18917	NO ADVERSE EFFECT (with Standard Conditions-ESA)

Please note: On page three of the SHPSR-5 the report states "...the SHPO never objected to this determination, and Caltrans assumed SHPO concurrence." Non-response from the SHPO allows an agency to continue with their undertaking after the 30 day comment period is over. It does not denote SHPO concurrence.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, FHWA may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at [kim.tanksley@parks.ca.gov](mailto:kim.tanksley@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, PhD  
State Historic Preservation Officer

Figure 5-5.10 (cont.): SHPO Concurrence on Finding of No Adverse Effect



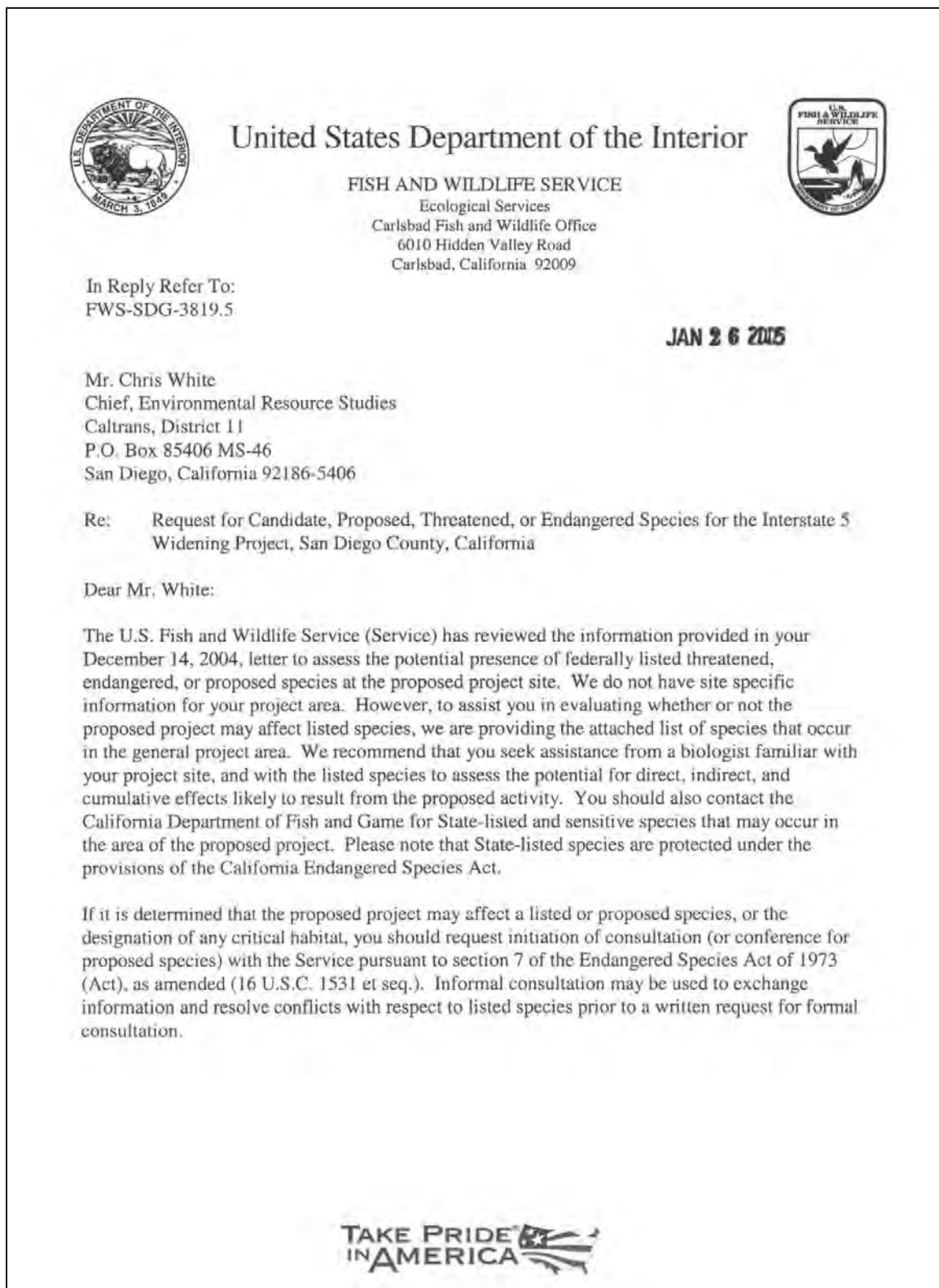


Figure 5-5.11: USFWS Listed Endangered, Threatened, and Proposed Species

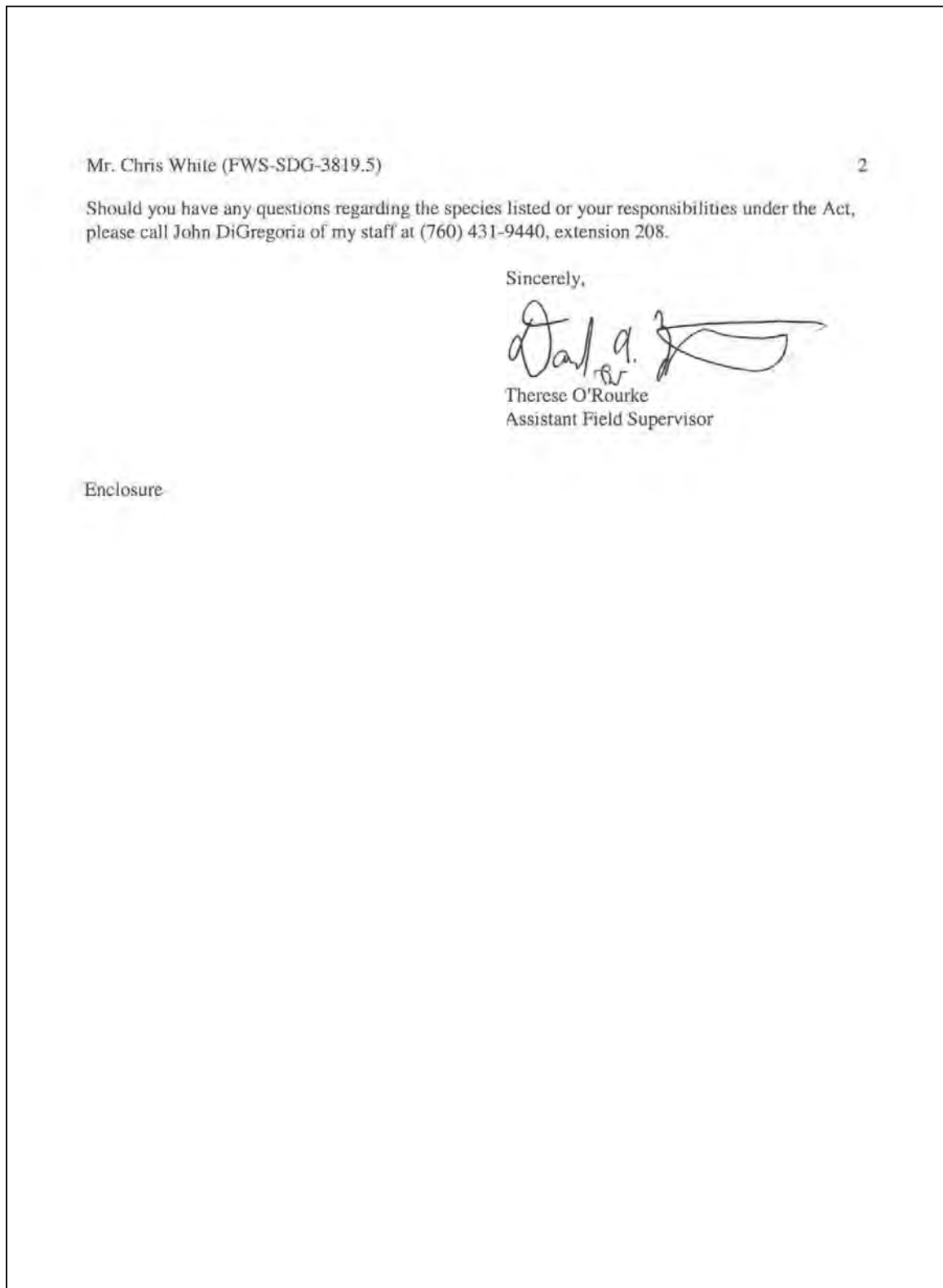


Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species

Mr. Chris White (FWS-SDG-3819.5)

3

Listed Endangered, Threatened and Proposed Species  
that may occur in the vicinity of Interstate 5  
in San Diego County, California

Common Name	Scientific Name	Status
<u>BIRDS</u>		
coastal California gnatcatcher	<i>Poliophtila californica californica</i>	T
least Bell's vireo	<i>Vireo bellii pusillus</i>	E
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T
brown pelican	<i>Pelecanus occidentalis</i>	E
light-footed clapper rail	<i>Rallus longirostris levipes</i>	E
California least tern	<i>Sterna antillarum browni</i>	E
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
<u>INVERTEBRATES</u>		
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	E
<u>PLANTS</u>		
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	E
Encinitas Baccharis	<i>Baccharis vanessae</i>	E
San Diego ambrosia	<i>Ambrosia pumila</i>	E
San Diego button celery	<i>Eryngium aristulatum var. parishii</i>	E
San Diego mesa mint	<i>Pogogyne abramsii</i>	E
spreading navarretia	<i>Navarretia fossalis</i>	T
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T

E=Endangered T=Threatened

Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species

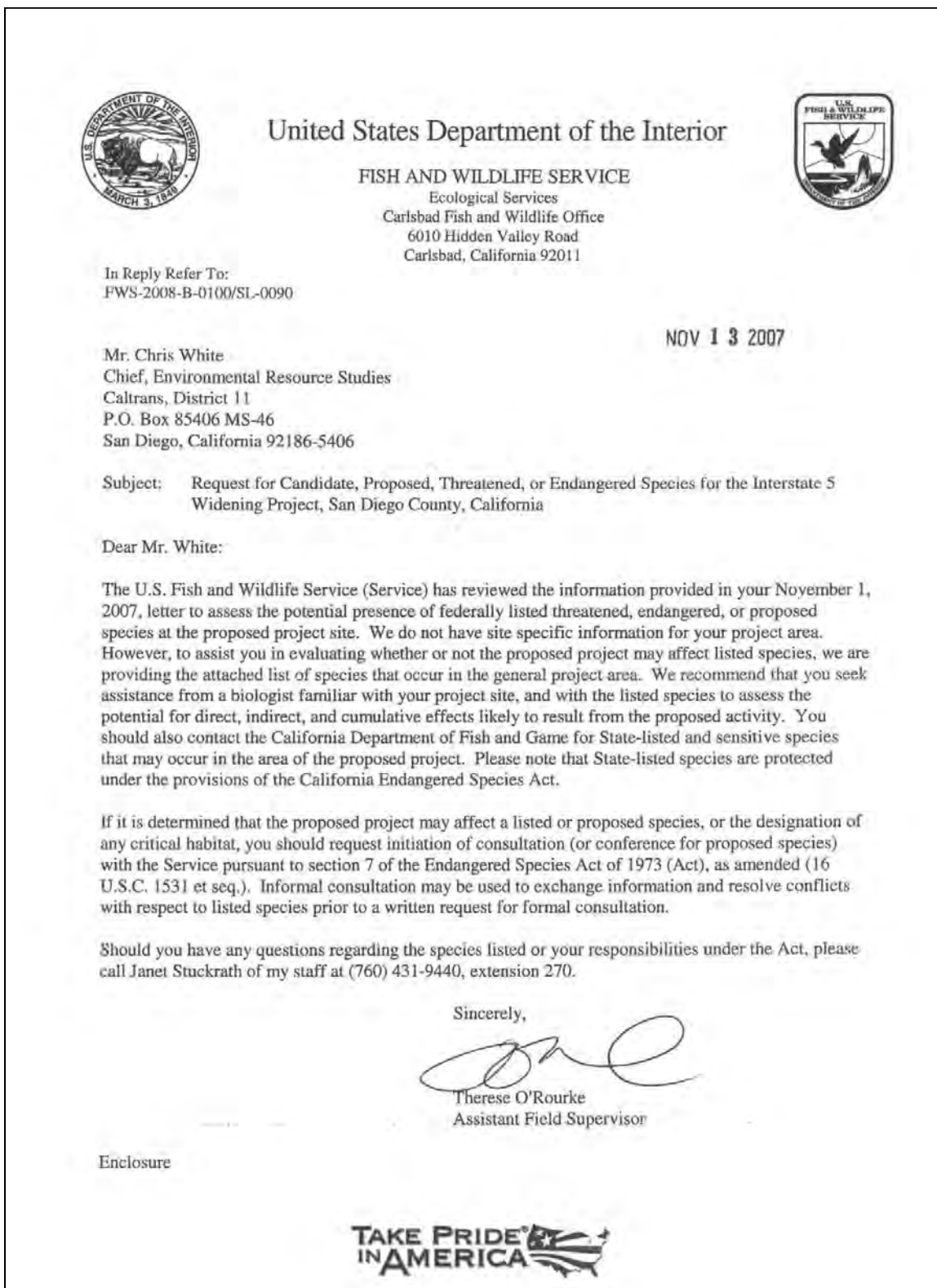


Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species



Mr. Chris White (FWS-2008-B-0100/SL-0090)

2

Listed Endangered, Threatened and Proposed Species  
that may occur in the vicinity of Interstate 5  
in San Diego County, California

Common Name	Scientific Name	Status
<b>BIRDS</b>		
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T, CH
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E, CH
brown pelican	<i>Pelecanus occidentalis</i>	E
coastal California gnatcatcher	<i>Polioptila californica californica</i>	T*, CH
light-footed clapper rail	<i>Rallus longirostris levipes</i>	E
California least tern	<i>Sterna (Sterna) antillarum browni</i>	E
least Bell's vireo	<i>Vireo bellii pusillus</i>	E, CH
<b>FISH</b>		
tidewater goby	<i>Eucyclogobius newberryi</i>	E, CH
<b>CRUSTACEANS</b>		
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E, pCH
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	E, CH
<b>PLANTS</b>		
San Diego thornmint	<i>Acanthomintha ilicifolia</i>	T, pCH
San Diego ambrosia	<i>Ambrosia pumila</i>	E
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. crassifolia</i>	E
coastal dunes milk-vetch	<i>Astragalus tener var. titi</i>	E
Encinitas baccharis	<i>Baccharis vanessae</i>	T
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	T, CH
Orcutt's spineflower	<i>Chorizanthe orcuttiana</i>	E
San Diego button-celery	<i>Eryngium aristulatum var. parishii</i>	E
Orcutt's hazardia	<i>Hazardia orcuttii</i>	C
willow monardella	<i>Monardella linoides ssp. viminea</i>	E, CH
spreading navarretia	<i>Navarretia fossalis</i>	T, CH
California Orcutt grass	<i>Orcuttia californica</i>	E
San Diego mesa mint	<i>Pogogyne abramsii</i>	E

T=Threatened

T\*=Proposed DPS

E=Endangered

pCH=Proposed Critical Habitat

C=Federal candidate species

CH=Critical Habitat

Figure 5-5.11 (cont.): USFWS Listed Endangered, Threatened, and Proposed Species



Preserving America's Heritage

June 25, 2008

Mr. Chris White, Chief  
Environmental Resource Studies  
Department of Transportation  
Environmental Division, MS-242  
4050 Taylor Street  
San Diego, CA 92110

Re: *Proposed I-5 North Coast Corridor Project*  
*San Diego County, California*

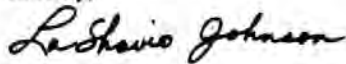
Dear Mr. White:

On April 28, 2008 the Advisory Council on Historic Preservation (ACHP) received your notification regarding the adverse effects of the referenced undertaking. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the California SHPO, Indian tribes, and other consulting parties, and related documentation at the conclusion of the consultation process. The filing of the MOA with the ACHP and fulfillment of its stipulations are required to complete your compliance responsibilities under Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Carol Legard at 202-606-8522 or [clegard@achp.gov](mailto:clegard@achp.gov).

Sincerely,



LaShavio Johnson  
Historic Preservation Technician  
Federal Permitting, Licensing and Assistance Section  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

Figure 5-5.12: ACHP Response to Undertaking Notification

## Chapter 6 – List of Preparers

This EIR/EIS and related technical studies were prepared by and under the supervision of Caltrans District 11 staff and other contributors identified below.

### ***U.S. Department of Transportation – Federal Highway Administration***

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### ***California Department of Transportation – District 11***

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Michelle Blake, Environmental Planner, Archaeology; Master of Arts in Cultural Resources Management, Sonoma State University; Bachelor of Arts in Anthropology (Concentration in Archaeology), University of California at San Diego; 6 months of Caltrans experience, 5 years experience.

Stephen R. Capuno, PE., Transportation Engineer, Project Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, San Diego State University; 7 years of Caltrans experience.

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Seth Cutter, Associate Transportation Planner, District 11 Bicycle and Pedestrian Coordinator; Bachelor of Arts in Urban Studies and Planning, University of California San Diego; 6 years of Caltrans experience.

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Allen Holden, Jr., PE, TMP Manager of DTM Branch; Registered Civil Engineer/Registered Traffic Engineer; Master of Science in Civil Engineering, University of Texas at Arlington; Bachelor of Science in Civil Engineering, Cornell University; 30 years of Caltrans experience.

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Oanh Le, P.E., Transportation Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, University of New Orleans; 23 years of Caltrans experience.

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Timothy V. Vo, P.E., Transportation Engineer, Registered Civil Engineer; Bachelor of Science in Civil Engineering, California State University at Long Beach; 12 years of Caltrans experience.

***HELIX Environmental Planning, Inc.***

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Andrea Bitterling, Senior Project Manager; Masters of Planning in Environmental Planning, University of Virginia; Bachelor of Arts in Environmental Studies, University of Redlands; 14 years of experience.



Vanessa Brice, Environmental Planner; Bachelor of Arts in Biology, University of San Diego; 4 years of experience.

Lisa Capper, Senior Project Manager; Juris Doctorate, College of Law, Western State University; Master of Arts, Candidate in Anthropology, San Diego State University; Bachelor of Arts in Anthropology, specializing in Archaeology; 35 years of experience.

Tamara Ching, Senior Project Manager; Master of Science in Administration, University of California, Irvine; Bachelor of Arts in Social Ecology, University of California, Irvine; 30 years of experience.

Susanne Glasgow, Senior Project Manager; Bachelor of Arts in Geography, Resource and Environmental Conservation, San Diego State University; 37 years of experience.

Stacy Hall de Gomez, Project Manager; Masters in Marine Affairs in Fisheries Economics and Marine Policy, University of Washington; Bachelor of Science in Biology, University of Edinburgh, Scotland; 12 years of experience.

Dennis Marcin, Senior Environmental Specialist; Bachelor of Science in Geology, Michigan State University; 32 years of experience.

Justin Palmer, Senior GIS Specialist; Bachelor of Arts in Geography, Natural Resource and Environmental Conservation, San Diego State University; 11 years of experience.

Melissa Whittemore, Project Manager; Graduate Certificate in National Environmental Policy Act, Utah State University; Bachelor of Science, Biology with an emphasis in Ecology, San Diego State University; 10 years of experience.

***Hon Consulting, Inc.***

Katherine Hon, P.E., President; Master of Engineering in Civil Engineering, University of California, Davis; Bachelor of Science in Environmental Health, San Diego State University; 33 years of experience.

2

## CHAPTER 7 – DISTRIBUTION LIST

This distribution list identifies the interested parties that provided and/or requested their address be included in the Final EIR/EIS. Interested parties that provided comments regarding the project through email are included on a separate email distribution list and are to be notified with an email that provides the link to their responses to comments.

### Federal Government

Mark Cohen\*  
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Los Angeles District Office  
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Los Angeles, CA 90053-2525

Stephanie Hall\*  
U.S. Army Corps of Engineers  
Regulatory Division, Los Angeles District  
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Los Angeles, CA 90053-2525

Robert R. Smith\*  
U.S. Army Corps of Engineers  
Regulatory Division, South Coast Branch,  
San Diego Section  
6010 Hidden Valley Road, Suite 105  
Carlsbad, CA 92011

David H. Sulouff, Chief, Bridge Section\*  
11th U.S. Coast Guard District  
Coast Guard Island  
Building #50-2  
Alameda, CA 94501-5100

Office of the Secretary\*  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

Area Conservationist\*  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
(Formerly U.S. Soil Conservation Service)  
Area II  
318 Cayuga Street, Suite 206  
Salinas, CA 93901

U.S. Department of Commerce  
National Oceanic and Atmospheric  
Administration  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, CA 90802-4213

Director\*  
U.S. Department of Energy  
Office of Environmental Compliance  
1000 Independence Avenue, SW  
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Kathleen Sebelius, Secretary\*  
U.S. Department of Health and Human  
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200 Independence Avenue  
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U.S. Department of Health and Human  
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Centers for Disease Control  
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Ophelia Basqal, Regional Administrator  
U.S. Department of Housing and Urban  
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Sally Brown\*  
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## Federal Government (cont.)

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U.S. Fish and Wildlife Service  
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U.S. Department of Interior,  
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Pacific Great Basin System Support Office  
333 Bush Street, Suite 500  
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Patricia Sanderson Port  
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Office of Environmental Policy &  
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Kelly Powell\*  
U.S. Department of Interior  
National Park Service  
168 South Jackson Street  
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Federal Railroad Administration  
Office of Railroad Development  
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MS-20  
Washington, DC 20590

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U.S. Department of Transportation  
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Office of Federal Activities  
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Washington, DC 20460

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U.S. Environmental Protection Agency  
Region IX  
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75 Hawthorne Street  
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Elizabeth Goldman\*  
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### **Federal Government (cont.)**

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Robert S. Hoffman, Assistant Regional  
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501 West Ocean Boulevard  
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### **Federal Elected Officials**

The Honorable Scott Peters\*  
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52nd District  
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The Honorable Dianne Feinstein\*  
U.S. Senate  
750 B Street, Suite 1030  
San Diego, CA 92101

The Honorable Barbara Boxer\*  
U.S. Senate  
600 B Street, Suite 2240  
San Diego, CA 92101

The Honorable Darrell Issa\*  
U.S. House of Representatives  
49th District  
1800 Thibodo Road, Suite 310  
Vista, CA 92081

The Honorable Susan Davis\*  
U.S. House of Representatives  
53rd District  
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San Diego, CA 92116

### **State Government**

California Air Resources Board  
EIR Regional Impact Division  
P.O. Box 2815  
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Mark Nechodom, Conservation Director  
California Department of Conservation  
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Gabriel Buhr & Sherilyn Sarb  
California Coastal Commission  
San Diego Coast District Office  
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Director  
California Department of Conservation  
1416 Ninth Street  
Sacramento, CA 95814

Mark Delaplaine  
California Coastal Commission  
Federal Consistency Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Charlton H. Bonham, Director  
California Department of Fish and Wildlife  
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**State Government (cont.)**

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Environmental Program Manager  
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South Coast Region  
3883 Ruffin Road  
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California Department of Fish and Wildlife  
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4949 Viewridge Avenue  
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Director  
California Department of Food and Agriculture  
1220 N Street  
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Carol Roland-Nawi, Ph.D, State Historic  
Preservation Officer  
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Debbie Waldecker, Associate  
Environmental Scientist  
California Department of Parks &  
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Richard Dennison, Superintendent,  
Public Safety  
California Department of Parks & Recreation  
Torrey Pines State Reserve  
12600 North Torrey Pines Road  
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California Department of Transportation  
Division of Aeronautics  
1120 N Street, MS 40  
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Sacramento, CA 94274-0001

Unit Chief  
Dr. Ron Chapman, Director  
California Department of Public Health  
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Sacramento, CA 95899-7377

Debbie Raphael, Director  
California Department of Toxic Substances  
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Greg Holmes, Unit Chief  
California Department of Toxic Substances  
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5796 Corporate Avenue  
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Mark Cowin, Director  
California Department of Water Resources  
P.O. Box 942836, Room 1115-1  
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California Energy Commission  
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Sacramento, CA 95814

Michael Brown, Commissioner  
California Highway Patrol  
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**State Government (cont.)**

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California Highway Patrol  
CHP Border Division  
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California Highway Patrol  
Enforcement and Planning Division  
601 N. 7<sup>th</sup> Street  
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J.B. Rodriguez, Chief  
California Highway Patrol  
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Deb Schroder, Captain  
California Highway Patrol  
CHP Oceanside Office  
Border Communications Center  
1888 Oceanside Boulevard  
Oceanside, CA 92054-3486

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California Highway Patrol  
CHP San Diego Office  
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Executive Officer  
California Integrated Waste Management  
Board  
8800 Cal Center Drive  
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Larry Myers, Executive Secretary  
California Native American Heritage  
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Dave Singleton, Program Analyst  
California Native American Heritage  
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Clayton A. Phillips, Superintendent  
State of California Natural Resources Agency  
California Department of Parks and  
Recreation  
San Diego Coast District  
4477 Pacific Highway  
San Diego, CA 92110

Darren Smith  
State of California Natural Resources Agency  
California Department of Parks &  
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San Diego, CA 92110

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Consumer Protection and Safety Division  
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Senior Engineering Geologist  
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California Resources Agency  
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California State Coastal Conservancy  
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The California State University  
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Cy R. Oggins, Chief  
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California Transportation Commission  
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State Water Resources Control Board  
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### State Elected Officials

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The Honorable Rocky Chavez  
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### State Elected Officials (cont.)

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California State Senate  
39<sup>th</sup> District  
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California State Senate  
38th District  
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Carlsbad, CA 92008

### Local Government

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Air Pollution Control District  
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Director  
City of Carlsbad  
Engineering Department  
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2081 Newcastle Avenue  
Cardiff-by-the-Sea, CA 92007

Director  
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Fire Department Administration  
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Cardiff School District  
1888 Montgomery Avenue  
Cardiff-by-the-Sea, CA 92007

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City of Carlsbad  
Georgina Cole Library  
1250 Carlsbad Village Drive  
Carlsbad, CA 92008

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Carlsbad City Library  
1775 Dove Lane  
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Director  
City of Carlsbad  
Parks and Recreation  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

John A. Roach, Superintendent  
Carlsbad Unified School District  
6225 El Camino Real  
Carlsbad, CA 92009

Conrad "Skip" Hammann, P.E.,  
Transportation Director  
City of Carlsbad  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008-7314

Lisa Hildabrand, City Manager  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Kevin M. Hardy, General Manager  
City of Carlsbad  
Carlsbad Municipal Water District  
P.O. Box 9009  
Carlsbad, CA 92018

Don Neu, AICP, City Planner  
City of Carlsbad  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008-7314

Director  
City of Carlsbad  
Community Development Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

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Administrative Secretary  
City of Carlsbad  
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City of Carlsbad  
Faraday Center  
1635 Faraday Avenue  
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Kathleen Garcia, Planning Director  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014-2698

Scott Huth, City Manager  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014-2698

Linda Niles, Director  
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Department of Planning/Community  
Development  
1050 Camino del Mar  
Del Mar, CA 92014-2698

Director  
City of Del Mar  
Fire Department  
1050 Camino del Mar  
Del Mar, CA 92014-2698

Eric Minicilli, Director  
City of Del Mar  
Public Works Department  
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Scott Henry, Fire Chief  
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Lisa Rudloff, Director  
City of Encinitas  
Parks and Recreation  
505 South Vulcan Avenue  
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Patrick Murphy, Director  
City of Encinitas  
Planning and Building  
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Public Works Department  
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Oceanside Planning Commission  
300 North Coast Highway  
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Director  
City of Oceanside  
Parks and Recreation  
300 North Coast Highway  
Oceanside, CA 92054

## Local Government (cont.)

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Director  
City of Oceanside  
Water Utilities Department  
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Director  
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City Planning and Community Investment  
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Solana Beach, CA 92075

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City of Solana Beach  
Parks and Recreation  
635 South Highway 101  
Solana Beach, CA 92075

Director  
City of Solana Beach  
Public Works Department  
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County Clerk's Office\*  
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## Local Government (cont.)

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San Diego County Sheriff's Department  
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Encinitas  
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William Lansdowne, Chief  
San Diego Police Department  
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San Diego Police Department  
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Stuart Hurlbert  
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San Diego State University  
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John W. Helmer, Director  
San Diego Unified Port District  
Land Use Planning  
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## Local Elected Officials

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309 North Rios Avenue  
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Leslie Fausset, Superintendent  
Solana Beach School District  
309 North Rios Avenue  
Solana Beach, CA 92075-1298

The Honorable Matt Hall, Mayor  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

The Honorable Keith Blackburn,  
Council Member  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

The Honorable Farrah Golshan Douglas,  
Council Member  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

The Honorable Mark Packard,  
Mayor Pro Tem  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

The Honorable Lorraine Wood,  
Council Member  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

The Honorable Terry Sinnott, Mayor  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

The Honorable Lee Haydu, Deputy Mayor  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

Al Corti, Council Member  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

The Honorable Sherryl Parks,  
Council Member  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

The Honorable Don Mosier,  
Council Member  
City of Del Mar  
1050 Camino del Mar  
Del Mar, CA 92014

The Honorable Teresa Barth, Mayor  
City of Encinitas  
505 South Vulcan Avenue  
Encinitas, CA 92024

The Honorable Lisa Shaffer, Deputy Mayor  
City of Encinitas  
505 South Vulcan Avenue  
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The Honorable Tony Kranz, Council Member  
City of Encinitas  
505 South Vulcan Avenue  
Encinitas, CA 92024

The Honorable Kristin Gaspar,  
Council Member  
City of Encinitas  
505 South Vulcan Avenue  
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The Honorable Mark Muir, Council Member  
City of Encinitas  
505 South Vulcan Avenue  
Encinitas, CA 92024

The Honorable Jim Wood, Mayor\*  
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300 North Coast Highway  
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**Local Elected Officials (cont.)**

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Oceanside, CA 92054

The Honorable Jack Feller, Council Member  
City of Oceanside  
300 North Coast Highway  
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The Honorable Jerome Kern, Deputy Mayor  
City of Oceanside  
300 North Coast Highway  
Oceanside, CA 92054

The Honorable Esther Sanchez,  
Council Member  
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300 North Coast Highway  
Oceanside, CA 92054

The Honorable Todd Gloria, Interim Mayor  
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City Administration Building, 11th Floor  
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The Honorable Sherri Lightner,  
Council Member, District 1  
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City Administration Building  
202 C Street  
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The Honorable Kevin Faulconer,  
Council Member, District 2  
City of San Diego  
City Administration Building  
202 C Street  
San Diego, CA 92101

The Honorable Todd Gloria  
Council President, District 3  
City of San Diego  
City Administration Building  
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San Diego, CA 92101

The Honorable Myrtle Cole  
Council Member, District 4  
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The Honorable Mark Kersey  
Council Member, District 5  
City of San Diego  
City Administration Building  
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The Honorable Lorie Zapf,  
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The Honorable Mike Nichols, Mayor\*  
City of Solana Beach  
635 South Highway 101  
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### Local Elected Officials (cont.)

The Honorable Thomas M. Campbell  
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The Honorable Dianne Jacob, Supervisor,  
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The Honorable Lesa Heebner,  
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The Honorable Dave Roberts, Supervisor,  
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1600 Pacific Highway, Room 335  
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The Honorable Peter Zahn  
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The Honorable Ron Roberts, Supervisor,  
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The Honorable Bill Horn, Supervisor,  
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### Native American Organizations and Contacts

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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Encinitas, CA 92024

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Oceanside, CA 92056

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Carlsbad, CA 92013

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Carlsbad, CA 92011

James and Mary Geary  
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Carlsbad, CA 92008

Jessica Geipel  
1923 Park Crest Drive  
Cardiff-by-the-Sea, CA 92007

Jesse Giessow  
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Jim Gilbert  
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Oceanside, CA 92056

Dan Gilleon  
13413 Racetrack View Court  
San Diego, CA 92014

Pierre Godefroy  
13151 Shalimar Place  
Del Mar, CA 92014

Harvey Goldman  
14082 Mango Drive  
Del Mar, CA 92014

David Golman  
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Encinitas, CA 92024

Dr. Dolores G. Gonzales  
110 Mangano Circle  
Encinitas, CA 92024

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Jane Goodman  
577 Silver Berry Place  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Veronica Grandpre  
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Kevin Grant  
2746 Caminito Cedros  
Del Mar, CA 92014

Katherine Green  
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Encinitas, CA 92024

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Green Chamber of San Diego County  
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Louie Guassac  
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Land Planning and Development  
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Florence Harrod  
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Encinitas, CA 92024

Joel Hartley  
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Solana Beach, CA 92075

Doug & Sheryl Harvey  
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Del Mar, CA 92014

Susan Harvey  
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Encinitas, CA 92024

John Haughey, M.D.  
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Carlsbad, CA 92011

Anne Hawkins  
2427 Caminito Ocean Cove  
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Mary Hayward  
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\* Received a hard copy of the Executive Summary.



**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Solana Beach, CA 92075

Jane Hendricks  
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Encinitas, CA 92024

Paul Henkart  
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Juanito H. Maravilla, Legal Secretary  
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On Behalf of Paul Henkart  
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Luther/Virginia Herrle  
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Oceanside, CA 92054

Laura Herron  
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Encinitas, CA 92024

Joan Herskowitz  
1175 Kildeer Court  
Encinitas, CA 92024

Cody Hewitt  
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Encinitas, CA 92024

Lisa Hewitt  
Nova Biologics, Inc.  
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Lauren Hinton  
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Hospice of the North Coast  
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Carlsbad, CA 92008

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Encinitas, CA 92024

Victoria Holman  
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Solana Beach, CA 92075

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Carlsbad, CA 92009

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13439 Portofino Drive  
Del Mar, CA 92014

Yvonne Huiras  
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San Diego, CA 92117

Dana Johnson  
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Carlsbad, CA 92011

Penny Johnson  
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Carlsbad, CA 92008

**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

Jeanne Jones  
1742 Swallowtail Road  
Encinitas, CA 92024

Ora Lee Klemme  
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Michael Jones  
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San Diego, CA 92122

Helen E. Klich  
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Del Mar, CA 92014

Gary Joynes  
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Cardiff-by-the-Sea, CA 92007

Jason Knapp  
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Solana Beach, CA 92075

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Encinitas, CA 92024

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Oceanside, CA 92054

Richard Kennedy  
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Encinitas, CA 92024

Connie Knox  
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Oceanside, CA 92058

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13404 Portofino Drive  
Del Mar, CA 92014

Dorothy H. Knox  
13019 Longboat Way  
Del Mar, CA 92014

Janet King  
908 Stevens Avenue  
Solana Beach, CA 92075

Ron & Noreen Kolek  
594 Sweet Pea Place  
Encinitas, CA 92024

Kate King  
901 San Juan Place  
Oceanside, CA 92058

Kyle Krahel-Frolander  
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Oceanside, CA 92054

Robert Kingston  
724 Camino Santa Barbara  
Solana Beach, CA 92075

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Encinitas, CA 92024

Carol Kissin  
5162 Prado Court  
Oceanside, CA 92057

Ursula Krane  
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Del Mar, CA 92014

Shirley Klein  
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Encinitas, CA 92024

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Carlsbad, CA 92008

**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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1634 Glasgow Avenue  
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La Salina Home and Oceanside Mobile  
Home Alliance Director  
Homeowners/  
Residents Representative  
La Salina Mobile Village  
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Oceanside, CA 92056

Elizabeth Landeros  
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Carlsbad, CA 92008

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Carlsbad, CA 92008

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Abi Lawrance  
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Encinitas, CA 92024

Kimberly Lawrence  
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Encinitas, CA 92024

Lynda Laws  
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Cardiff-by-the-Sea, CA 92007

Frank D. Layton  
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Solana Beach, CA 92075

Shirley Layton  
962 Santa Hidalga  
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Charles Leighton  
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Solana Beach, CA 92075

Gerald Lelais  
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San Diego, CA 92130

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Leucadia Village Homeowners Association  
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Paul Bushee, General Manager  
Leucadia Wastewater District  
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Robert Lewis  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Encinitas, CA 92024

Don MacLeod  
536 South Rios Avenue  
Solana Beach, CA 92075

Maria Lindley  
940 Urania Avenue  
Encinitas, CA 92024

Kristin MacLeod  
536 S. Rios Avenue  
Solana Beach, CA 92075

Ron Lindley  
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Encinitas, CA 92024

Jim Madrid  
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Encinitas, CA 92024

Roxy Linfesty  
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Carlsbad, CA 92008

Magnin Residence  
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Carlsbad, CA 92011

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Art Magnuson  
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San Diego, CA 92130

Jeff & Ginny Lorenz  
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Gracinda Maier  
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Los Peñasquitos Lagoon Foundation  
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Nancy Matus  
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\* Received a hard copy of the Executive Summary.



**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Encinitas, CA 92024

Dina McCabe  
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Kym McQuiston  
917 Urania Avenue  
Encinitas, CA 92024

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574 Sweet Pea Place  
Encinitas, CA 92024

Shelley Melone  
574 Sweet Pea Place  
Encinitas, CA 92024

Kyle Menzies  
Marci Manenson  
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Carlsbad, CA 92008

Timothy Brick, Chair  
The Metropolitan Water District of Southern  
California  
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Los Angeles, CA 90054

John Metzger  
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Solana Beach, CA 92075

Thomas Metzger  
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Carlsbad, CA 92008

Catherine L. Miller  
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Encinitas, CA 92024

Susan Miller  
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Del Mar, CA 92014

William E. Miller  
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Solana Beach, CA 92075-1314

Sandy Mills  
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Solana Beach, CA 92075

Dillon Miner  
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San Diego, CA 92104

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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Mario Monroy  
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Bruce Mortland  
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Robbin Muller  
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Joan Mumford  
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Zeb Navarro  
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Suzi Nawarabi  
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Gwen and Jack Nelson  
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Teresa Nevarez  
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Oceanside Chamber of Commerce  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Prevent Los Angeles Gridlock Usurping the  
Environment (PLAGUE)  
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Rachel B. Hooper, Attorney, Erin B. Chalmers  
& Laurel L. Impett, AICP, Urban Planner  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Leslie Reed  
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\* Received a hard copy of the Executive Summary.

**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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San Diego Gas & Electric  
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San Diego, CA 92123

Debra L. Reed, President  
San Diego Gas & Electric  
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San Diego, CA 92123

Jim Seifert, Manager of Corporate  
Real Estate Land Services & Facilities  
On behalf of San Diego Gas & Electric  
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San Diego Gas & Electric  
Planning and Land Use  
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San Diego Metropolitan Transit System  
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Jerry Sanders, President & CEO  
San Diego Regional Chamber of Commerce  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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Board of Directors  
San Dieguito River Park Joint Powers  
Authority  
18372 Sycamore Creek Road  
Escondido, CA 92025

Dick Bobertz, Executive Director  
San Dieguito River Valley  
Regional Open Space Park  
18372 Sycamore Creek Road  
Escondido, CA 92025

Olga Diaz  
JPA Board Chair and Escondido  
City Council Deputy Mayor  
San Dieguito River Valley  
Regional Open Space Park  
18372 Sycamore Creek Road  
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Cardiff-by-the-Sea, CA 92007

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Don Sanford  
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**Interested Companies, Organizations, Citizens and Community Planning Groups (cont.)**

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2

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**Appendix A:  
Resources Evaluated Relative to the  
Requirements of Section 4(f) and *De Minimis*  
Determinations  
for the I-5 North Coast Corridor Project  
San Diego, California**

**October 2009  
Revised September 2013**



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## CHAPTER 1.0 – INTRODUCTION

The following discusses existing and planned properties adjacent to the proposed Interstate 5 North Coast Corridor Project (*I-5 NCC Project* or proposed project) that may warrant protection under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966. The discussion is prepared in support of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed project. Figure 1 shows the proposed project's regional location. Figures 2 and 3 show the locations of the potential 4(f) resources evaluated in this document.

Section 4(f) of the USDOT Act of 1966, codified in federal law as 49 U.S.C. 303, declares that “[it] is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that “the Secretary [of Transportation] may approve a transportation program or project...requiring the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge of national, State or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, State or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land; and the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use; or
- Consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on a Section 4(f) property.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

This Appendix is organized into five chapters: Chapter 1 addresses regulatory language, Chapter 2 offers a brief project description of each build alternative, Chapter 3 identifies all potential Section 4(f) resources within a half-mile radius of the project and analyzes the resources afforded protection under Section 4(f) that are not directly used, Chapter 4 is a *de minimis* impact analysis for two parks and one historic resource, and Chapter 5 identifies references.

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Source: DigitalGlobe 2008, SanGIS 2008, MCB Camp Pendleton 2004  
Scale: 1:190,080; 1 inch = 3 mile(s)

Figure 1: Regional Map



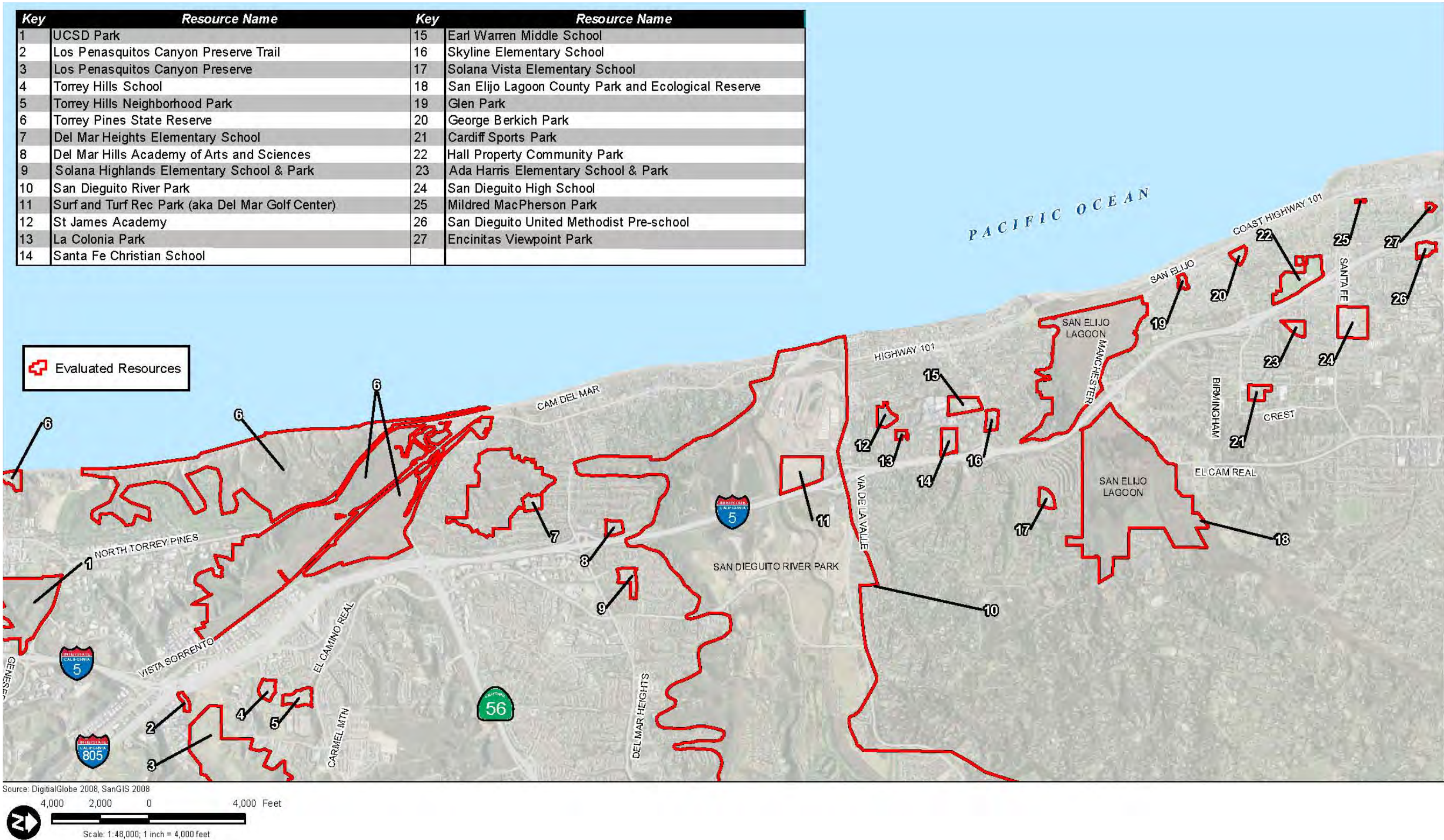


Figure 2: Section 4(f) Properties - I-5 North Coast Corridor – Southern Portion



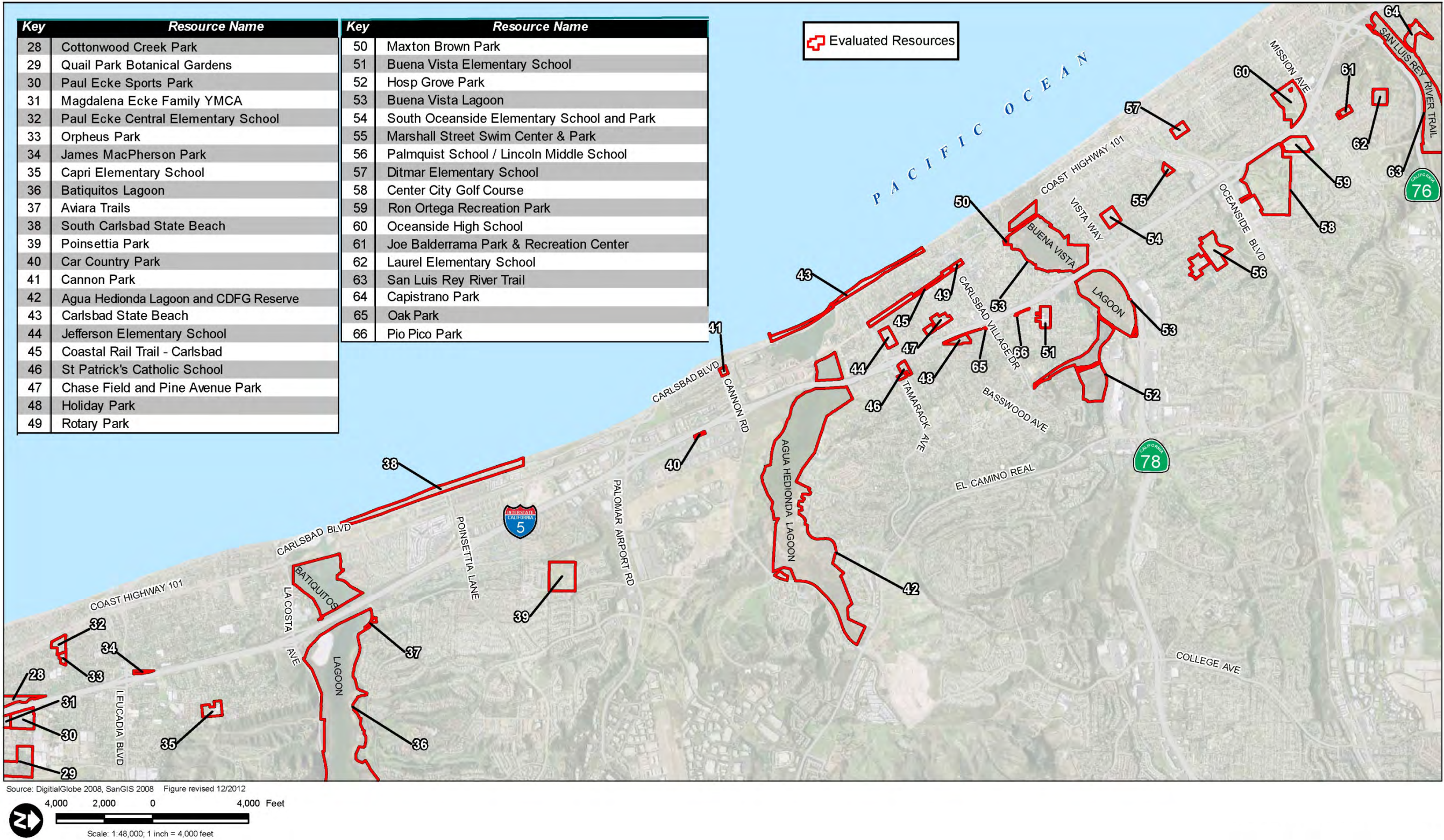


Figure 3: Section 4(f) Properties - I-5 North Coast Corridor – Northern Portion





2

## CHAPTER 2.0 – PROJECT DESCRIPTION

Four build alternatives and one no-build alternative are under consideration for the *I-5 NCC Project* that meet the purpose and need. The main purpose is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the design year 2035. The need arises from the traffic demand of the corridor (See *Chapter 1, Proposed Project*). These alternatives are briefly described as follows. Please refer to *Chapter 2, Project Alternatives*, of the EIR/EIS for a detailed description of the project alternatives:

The circulation of the Draft EIR/EIS included the statement: “Per requirements of 49 U.S.C. 303: Section 4(f) of the Department of Transportation Act of 1966, as amended, the public is hereby informed of its intent to make a *de minimis* impact finding for eligible properties, as the project will not adversely affect the activities, features, or attributes qualifying the properties for Section 4(f) protection.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative, which has the smallest footprint of the build alternatives, was refined. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) in 2011 and was further analyzed in the August 2012 Supplemental Draft EIR/EIS. That document provided information about a number of topics for which information was not available prior to circulation of the Draft EIR/EIS, as well as clarification of project design based on continued engineering refinement since 2010.

After circulation of the Draft Supplemental EIR/EIS, project planning continued, including extensive coordination between resource agencies and FHWA and Caltrans regarding potential project impacts and appropriate project minimization and mitigation. The refined 8+4 Buffer alternative is now also identified as the Preferred Alternative, following completion of the Clean Water Act Section 404(b)(1) analysis to ensure that this alternative is in fact the Least Environmentally Damaging Practicable Alternative (LEDPA). The Preferred Alternative is also described in this Final EIR/EIS as the refined 8+4 Buffer alternative.

### Preferred Alternative

#### Refined 8+4 Buffer Alternative

- The refined 8+4 Buffer alternative would construct one High Occupancy Vehicle (HOV)/Managed Lane in each direction from La Jolla Village Drive to just north of Lomas Santa Fe Drive.
- To provide a continuous HOV lane through the I-5 / I-805 junction, a freeway-to-freeway connector (flyover) would be constructed, crossing over the I-5 / I-805 merge, to connect the proposed HOV/Managed Lanes beginning at Voigt Drive to the existing HOV lanes that begin just north of the I-5 / I-805 junction.
- Two HOV/Managed Lanes would be constructed in each direction from just north of Lomas Santa Fe Drive to Harbor Drive/Vandegrift Boulevard.
- From near La Jolla Village Drive to near Harbor Drive/Vandegrift Boulevard, painted stripes of variable widths (up to five feet) would serve as a buffer, separating HOV/Managed Lanes from general purpose lanes.

- Direct Access Ramps (DARs) would provide new freeway access for HOV/Managed Lanes users at Voigt Drive and Manchester Avenue from grade-separated interchanges into Managed Lanes, thereby allowing direct access to the HOV/Managed Lanes without weaving across general-purpose lanes. The DARs are compatible with carpools, bus transit, and value pricing and would support HOV/Managed Lanes. Both of these facilities have also been redesigned since circulation of the Draft EIR/EIS to minimize environmental impacts.
- One general purpose lane would be constructed in each direction on I-5 from just south of Del Mar Heights Road to State Route (SR)-78.
- Intermediate access points (IAPs) or at-grade access would be located near Carmel Mountain Road, Del Mar Heights Road-Via de la Valle, Lomas Santa Fe Drive, Santa Fe Drive, Poinsettia Lane, Tamarack Avenue, and Oceanside Boulevard; as well as access points at the ends of HOV/Managed Lanes at La Jolla Village Drive and Harbor Drive.
- Intelligent Transportation System (ITS) components, such as toll collection equipment would be provided to allow SOV users to purchase use of HOV/Managed Lanes (including overhead suspended scanner devices such as gantries, traffic monitoring stations, ramp meters, closed circuit television [CCTV] to view traffic on the facility and to help manage the traffic, changeable message signs [CMSs] to display the tolls, and loop detectors to measure traffic volume and speed).
- Twelve-foot-wide auxiliary, acceleration, and deceleration lanes would be provided (as needed in 14 locations; 5 southbound, 4 northbound and 5 both north- and southbound) and 10- to 12-foot-wide shoulders.
- New park and ride facilities at Manchester Avenue and SR-76, and enhanced park and ride facilities at other locations would be constructed.
- Reconfiguration of various local interchanges would occur to improve vehicular, pedestrian and bicycle circulation at northbound ramps for Leucadia Boulevard and La Costa Avenue; at southbound ramps for Roselle Street, Manchester Avenue, Encinitas Boulevard, Palomar Airport Road and Oceanside Boulevard; and at both north- and southbound ramps at Genesee Avenue, Del Mar Heights Road, Via de la Valle, Birmingham Drive, Santa Fe Drive, Tamarack Drive, Carlsbad Village Drive, Mission Avenue, SR-76, and Harbor Drive, as detailed on *Table 2.1* of the EIR/EIS.
- Redesign of lagoon bridges would occur at Peñasquitos, San Dieguito, San Elijo, Batiquitos, Agua Hedionda, and Buena Vista Lagoons, with a minimum width of 194 feet (97 feet on either side of centerline).
- Ramp metering would be implemented at various on-ramps (with ultimate metering at all 58 on-ramps at buildout), retaining walls (to reduce property acquisition needs, stabilize slopes, minimize impacts and accommodate engineered structures), barriers, guard rails/end treatments, crash cushions, bridge rails, and signage, installed as appropriate and as needed.
- Project-related drainage abandonment or improvement including extension, replacement or lining, with new drainage facilities constructed adjacent to cross roads (facility examples include storm drain inlets, storm ditches, rock slope protection, and headwalls).
- Existing overhead or underground utilities (water, sewer, gas, electricity telephone, and other communications) would be relocated as needed and within existing utility easements, as possible.
- Proposed sound barriers would be constructed as described in the EIR/EIS with specifics dependent on final design.

## Other Build Alternatives

### 10+4 Barrier Alternative

The 10+4 Barrier alternative has similar features to the 8+4 Buffer alternative but adds a general purpose lane from Del Mar Heights Road to SR-78; and HOV/Managed Lanes would be separated from the general-purpose lanes by a concrete barrier. Standard shoulder widths of 10 ft would be provided on either side of the barrier.

### 10+4 Buffer Alternative

The 10+4 Buffer alternative would function similarly to the 8+4 Buffer alternative but would add a general purpose lane from Del Mar Heights Road to SR-78.

### 8+4 Barrier Alternative

The 8+4 Barrier alternative has similar features to the 8+4 Buffer alternative except that a concrete barrier with standard shoulder widths of 10 ft on either side would separate the HOV/Managed lanes from the general-purpose lanes from Del Mar Heights Road to SR-78.

### No Build Alternative

The No Build alternative would not use any resources subject to Section 4(f).

## Coordination

This project has been developed in coordination with various federal, State, regional, and local agencies. FHWA is the lead agency for the National Environmental Policy Act (NEPA) and the California Department of Transportation (Caltrans) is the lead agency for the California Environmental Quality Act (CEQA). In support of the EIR/EIS, these *de minimis* determinations were prepared in consultation with the agencies having jurisdiction over the resources and centered on a.) significance of the property, b.) primary purpose of the land, c.) proposed use and impacts, and d.) proposed measures to avoid and/or minimize harm.

Multiple meetings were held after release of the Draft EIR/EIS for public review. In 2010, five public hearings were held in the open-house format to present details about the proposed project design, including the impacts to Section 4(f) resources, the alternatives being considered, and findings from the environmental studies, as identified in the Draft EIR/EIS prepared for the project. The hearings were held on the following dates and locations:

- July 27, 2010 at the Encinitas Community and Senior Center in Encinitas
- August 3, 2010 at the Westfield University Town Center Forum Hall in San Diego
- August 17, 2010 at the Faraday Center in Carlsbad
- August 24, 2010 at Skyline Elementary School in Solana Beach
- September 9, 2010 at the Oceanside High School Multipurpose Room in Oceanside

Outreach to multiple stakeholders has continued to the present, as documented in *Chapter 5, Comments and Coordination* of this Final EIR/EIS. Recent meetings with stakeholders who have authority related to Section 4(f) properties evaluated herein include three meetings in 2012 with San Dieguito River Park and JPA representatives and staff and a meeting on March 28, 2013; one meeting in 2012 with San Elijo Lagoon Conservancy staff and a meeting on April 3, 2013; and one meeting in 2012 with the City of Carlsbad for Agua Hedionda Lagoon and a meeting on February 12, 2013. Subsequent correspondence occurred, resulting in concurrence with the Section 4(f) determination as noted in this document.





## CHAPTER 3.0 – DISCUSSION OF PROPERTIES

To create a comprehensive list of resources that could potentially be subject to analysis under Section 4(f), Google Earth aeriels were viewed and field reviews were conducted to identify potential resources. The list was cross-checked with the General Plan Recreation Elements and parks and recreation websites of the cities in which the resources are located. All potential Section 4(f) resources within one half-mile of the *I-5 NCC Project* are tabulated below. This chapter discusses parks, recreational facilities, wildlife refuges and historic properties found within or adjacent to the project area for 1) public ownership, 2) public access, 3) eligible historic properties, 4) permanent use of the resource and analysis of the use, and 5) analysis of proximity impacts.

From this analysis, the following list was developed. The locations of each property are shown in Figures 2 and 3. After assembly of this list, the properties were researched to determine if they met the criteria for eligibility as Section 4(f) properties. The remaining properties were inspected to confirm their location with respect to the proposed project and to inventory the attributes of each property. In certain cases the actual property was found to be outside the half-mile limit of the study area. Therefore, the properties outside the half-mile limit of the study area were deleted from the textual analysis.

**Table 1: Potential Section 4(f) Resources and Distance from *I-5 NCC Project***

Map ID	Resource	City	Dist (mi) to I-5
1	UCSD Park	San Diego	0.10
2	Los Peñasquitos Canyon Reserve Trail	San Diego	0.01
3	Los Peñasquitos Canyon Preserve	San Diego	0.17
4	Torrey Hills School	San Diego	0.25
5	Torrey Hills Neighborhood Park	San Diego	0.40
6	Torrey Pines State Reserve	San Diego	0.17
7	Del Mar Heights Elementary School	San Diego	0.36
8	Del Mar Hills Academy of Arts and Sciences	San Diego	0.24
9	Solana Highlands Elementary School & Park	San Diego	0.22
10	San Dieguito River Park and Coast to Crest Trail	San Diego	0.00
11	Surf and Turf Recreation Park (aka Del Mar Golf Center)	San Diego	0.01
12	St James Academy	San Diego	0.05
13	La Colonia Park	Solana Beach	0.21
14	Santa Fe Christian School	Solana Beach	0.12
15	Earl Warren Middle School	Solana Beach	0.34
16	Skyline Elementary School	Solana Beach	0.18
17	Solana Vista Elementary School	Solana Beach	0.33
18	San Elijo Lagoon County Park and Ecological Reserve	Solana Beach & Encinitas	0.00
19	Glen Park	Encinitas	0.37
20	George Berkich Park	Encinitas	0.48
21	Cardiff Sports Park	Encinitas	0.44
22	Hall Property Community Park	Encinitas	0.00
23	Ada Harris Elementary School & Park	Encinitas	0.14
24	San Dieguito High School	Encinitas	0.28
25	Mildred MacPherson Park	Encinitas	0.40

**Table 1 (cont.): Potential Section 4(f) Resources and Distance from I-5 NCC Project**

Map ID	Resource	City	Dist (mi) to I-5
26	San Dieguito United Methodist Pre-school	Encinitas	0.11
27	Encinitas Viewpoint Park	Encinitas	0.19
28	Cottonwood Creek Park	Encinitas	0.47
29	San Diego Botanical Gardens	Encinitas	0.30
30	Paul Ecke Sports Park	Encinitas	0.00
31	Magdalena Ecke Family YMCA	Encinitas	0.03
32	Paul Ecke Central Elementary School	Encinitas	0.37
33	Orpheus Park	Encinitas	0.24
34	James MacPherson Park	Encinitas	0.01
35	Capri Elementary School	Encinitas	0.38
36	Batiquitos Lagoon	Carlsbad	0.00
37	Aviara Trails	Carlsbad	0.15
38	South Carlsbad State Beach	Carlsbad	0.33
39	Poinsettia Park	Carlsbad	0.35
41	Cannon Park	Carlsbad	0.35
40	Car Country Park	Carlsbad	0.01
42	Agua Hedionda Lagoon and CDFW Reserve	Carlsbad	0.00
43	Carlsbad State Beach	Carlsbad	0.40
43	Carlsbad State Beach	Carlsbad	0.40
44	Jefferson Elementary School	Carlsbad	0.32
45	Coastal Rail Trail - Carlsbad	Carlsbad	0.02
46	St Patrick's Catholic School	Carlsbad	0.10
47	Chase Field and Pine Avenue Park	Carlsbad	0.07
48	Holiday Park	Carlsbad	0.00
49	Rotary Park	Carlsbad	0.48
50	Maxton Brown Park	Carlsbad	0.44
51	Buena Vista Elementary School	Carlsbad	0.06
52	Hosp Grove Park	Carlsbad	0.38
53	Buena Vista Lagoon	Carlsbad & Oceanside	0.00
54	South Oceanside Elementary School and Park	Oceanside	0.17
55	Marshall Street Swim Center and Park	Oceanside	0.25
56	Palmquist School / Lincoln Middle School	Oceanside	0.30
57	Ditmar Elementary School	Oceanside	0.45
58	Center City Golf Course	Oceanside	0.00
59	Ron Ortega Recreation Park	Oceanside	0.02
60	Oceanside High School	Oceanside	0.03
61	Joe Balderrama Park & Center	Oceanside	0.15
62	Laurel Elementary School	Oceanside	0.43
63	San Luis Rey River Trail	Oceanside	0.00
64	Capistrano Park	Oceanside	0.21
65	Oak Park	Carlsbad	0.01
66	Pio Pico Park	Carlsbad	0.01

### 3.1 RESOURCES NOT PROTECTED BY SECTION 4(f)

The properties in Table 2 are not subject to the provisions of Section 4(f) because: 1) they are not a significant publicly owned recreation area, wildlife or waterfowl refuge or historic site listed or eligible for listing on the National Register of Historic Places, 2) they are not open to the public and/or 3) the project does not permanently use the property and does not hinder the preservation of the property.

Caltrans coordinated with the jurisdiction with authority over three recreational areas to determine if Section 4(f) were triggered. UCSD Park is not subject to Section 4(f) protections, with concurrence from UCSD stated in an email on August 31, 2010. Oak and Pio Pico Parks similarly are not subject to Section 4(f) protections, with concurrence from the City of Carlsbad stated in an email dated February 21, 2013.

**Table 2: Resources Not Protected by Section 4(f) and Type**

Map ID	Resource	City	Type	Notes
1	UCSD Park <sup>1</sup>	San Diego	passive open space	not significant public recreation area per UCSD <sup>1</sup>
11	Surf and Turf Recreation Park (Del Mar Golf Center)	San Diego	golf and tennis	private
12	St James Academy	San Diego	playground and fields	private
14	Santa Fe Christian School	Solana Beach	playground and fields	private
26	San Dieguito United Methodist Pre-school	Encinitas	playground and fields	private
29	San Diego Botanical Gardens	Encinitas	gardens	private
31	Magdalena Ecke family YMCA	Encinitas	gym, pool, skate park, and indoor soccer fields	private
32	Paul Ecke Central Elementary School	Encinitas	playground and fields	closed to the public
34	James MacPherson Park	Encinitas	park	no access
35	Capri Elementary School	Encinitas	playground and fields	closed to the public
44	Jefferson Elementary School	Carlsbad	playground and fields	closed to the public
46	St Patrick's Catholic School	Carlsbad	playground and fields	private



**Table 2 (cont.): Resources Not Protected by Section 4(f) and Type**

Map ID	Resource	City	Type	Notes
65	Oak Park <sup>2</sup>	Carlsbad	picnic area	not significant public recreation area per City of Carlsbad <sup>2</sup>
66	Pio Pico Park <sup>2</sup>	Carlsbad	picnic area	not significant public recreation area per City of Carlsbad <sup>2</sup>
62	Laurel Elementary School	Oceanside	playground and fields	closed to the public

1: The UCSD Park lands are areas designated for open space, aesthetic, and habitat values. Per correspondence with UCSD, any recreational use is incidental. Therefore, these parks are not subject to Section 4(f).

2: The Oak and Pio Pico Parks are defined as "Special Use Areas." within the City of Carlsbad General Plan under the Parks and Recreation section. The City of Carlsbad concurred that these parks do not have a significant recreational use and would not be subject to Section 4(f).

### 3.2 SECTION 4(f) RESOURCES EVALUATED FOR PROXIMITY IMPACTS

All public and publicly accessed parks, recreational facilities, and wildlife refuges within approximately 0.5 mi of any of the project alternatives have been identified and considered. The attributes contributing to the Section 4(f) resources listed in Table 3 below have been inventoried and the effects of the project upon these attributes evaluated. It is not expected that the proposed project would result in a constructive use due the project's proximity to these resources. Each of these Section 4(f) resources is described in the text following Table 3, including size, activities, facilities, and characteristics. Chapter 4 discusses proximity impacts to San Elijo and Agua Hedionda Lagoons and historic structures.

**Table 3: Section 4(f) Resources and Type**

Map ID	Resource	City	Type
2	Los Peñasquitos Canyon Reserve Trail	San Diego	trail
4	Torrey Hills School	San Diego	sports fields
3	Los Peñasquitos Canyon Preserve	San Diego	open space
5	Torrey Hills Neighborhood Park	San Diego	community park
6	Torrey Pines State Reserve	San Diego	open space
7	Del Mar Heights Elementary School	San Diego	playground and fields
8	Del Mar Hills Academy of Arts and Sciences	San Diego	playground and fields
9	Solana Highlands Elementary School & Park	San Diego	community park
10	San Dieguito River Park and Coast to Crest Trail	San Diego	regional park and trail
13	La Colonia Park	Solana Beach	community park
15	Earl Warren Middle School	Solana Beach	playground and fields
16	Skyline Elementary School	Solana Beach	playground and fields

**Table 3 (cont.): Section 4(f) Resources and Type**

Map ID	Resource	City	Type
17	Solana Vista Elementary School	Solana Beach	playground and fields
19	Glen Park	Encinitas	community park
20	George Berkich Park	Encinitas	community park
21	Cardiff Sports Park	Encinitas	sports fields
22	Hall Property Community Park	Encinitas	community park
23	Ada Harris Elementary School & Park	Encinitas	community park
24	San Dieguito High School	Encinitas	sports fields
25	Mildred MacPherson Park	Encinitas	community park
27	Encinitas Viewpoint Park	Encinitas	community park
28	Cottonwood Creek Park	Encinitas	community park
33	Orpheus Park	Encinitas	community park
36	Batiquitos Lagoon	Carlsbad	open space
37	Aviara Trails	Carlsbad	trail
38	South Carlsbad State Beach	Carlsbad	beach, open space
39	Poinsettia Park	Carlsbad	community park
40	Car Country Park	Carlsbad	community park
41	Cannon Park	Carlsbad	community park
43	Carlsbad State Beach	Carlsbad	beach, open space
45	Coastal Rail Trail - Carlsbad	Carlsbad	trail
47	Chase Field and Pine Avenue Park	Carlsbad	sports fields and community park
48	Holiday Park	Carlsbad	community park
49	Rotary Park	Carlsbad	community park
50	Maxton Brown Park	Carlsbad	passive recreation
51	Buena Vista Elementary School	Carlsbad	playground and fields
52	Hosp Grove Park	Carlsbad	community park
53	Buena Vista Lagoon	Carlsbad & Oceanside	open space
55	Marshall Street Swim Center and Park	Oceanside	community park
54	South Oceanside Elementary School and Park	Oceanside	community park
56	Palmquist School / Lincoln Middle School	Oceanside	playground and fields
57	Ditmar Elementary School	Oceanside	playground and fields
58	Center City Golf Course	Oceanside	golf course
59	Ron Ortega Recreation Park	Oceanside	sports fields
60	Oceanside High School	Oceanside	sports fields
61	Joe Balderrama Park & Center	Oceanside	community park
63	San Luis Rey River Trail	Oceanside	trail / bike path
64	Capistrano Park	Oceanside	community park

As documented in the Final EIR/EIS, bridges at San Elijo, Batiquitos, and Buena Vista lagoons would be lengthened within Caltrans right-of-way to accommodate the channel dimensions identified in the optimization studies. Lengthening of the bridges would remove roadbed fill, create more wetland, and enhance tidal and fluvial flows and water quality in these lagoons. The longer bridges at San Elijo and Buena Vista lagoons would also facilitate restoration plans for these lagoons.

#### Los Peñasquitos Canyon Preserve and Trail

Los Peñasquitos Canyon Preserve is an open space park, including a system of trails, jointly owned and administered by the City and County of San Diego, and accessible on the south side of Sorrento Valley Boulevard, approximately 1.0 mi east of Vista Sorrento Parkway. The Preserve is located approximately 0.17 mi from I-5; however, a hiking trail extends westward beyond the Preserve boundary to Vista Sorrento Parkway. The reserve is approximately 4,000 ac of Peñasquitos and Lopez canyons and is characterized by steep slopes, riparian stream corridors, flat mesa tops, and grassy hillsides. It hosts a diverse collection of flora and fauna. The preserve allows biking and hiking on designated trails. The preserve and trail's status as a publicly owned open space park makes Los Peñasquitos Canyon Preserve and Trail a resource subject to Section 4(f) protection. There would be no use of any of the trails by the proposed project, nor would the project impact any of the access points to the Preserve. Scenic views from the trails would not be substantially impaired, as the canyon topography obscures most views of I-5. This topography also acts as a natural sound barrier. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions, and there would be no change in drainage patterns for the area. In fact for water quality, there is no change to the salinity and turbidity of the water, because there is no change to the existing tidal range. Therefore, the proposed project is not expected to cause a use of Los Peñasquitos Canyon Preserve because the proximity of the project would not impair the protected activities, features, or attributes of the preserve.

#### Torrey Hills School

Torrey Hills School is a public elementary school in the Del Mar Union School District, located approximately 0.25 mi east of I-5. It is accessible via Calle Mar de Mariposa. The playground and sports field include three backstops, four unlighted basketball courts, eight handball courts, and three tot lots. These facilities are open to the public and publicly owned and are therefore protected under Section 4(f). There would be no use of the resource by the proposed project, and access to the school would not change as the proposed project would not impact Calle Mar de Mariposa. There are several blocks of development between the school and the proposed project, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the school.

#### Torrey Hills Neighborhood Park

Torrey Hills Neighborhood Park is a 15.0 ac public park, located approximately 0.40 mi east of I-5. It is accessible from Calle Mar de Mariposa. Facilities at the park include two lighted baseball fields, one large multipurpose field, one unlighted basketball court, picnic tables, and one tot lot. Public access and ownership makes Torrey Hills Neighborhood Park a resource subject to Section 4(f) protection. None of the proposed project alternatives would require a use of any portion of the park. Access to the park would not change as the project would not impact Calle Mar de Mariposa. The topography acts as a natural barrier from freeway noise. Vegetation,



views, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Torrey Pines State Reserve

Torrey Pines State Reserve (the Reserve) is located in the northwest corner of the City of San Diego. The Reserve is managed by the California Department of Parks and Recreation. The Reserve, as shown in Figure 4, is 2,000 ac of land surrounded by the Pacific Ocean to the west, the City of Del Mar to the north, the community of La Jolla to the south, and I-5 to the east. The Torrey Pines State Reserve consists of several components, including the Main Reserve, an Extension Reserve, Los Peñasquitos Marsh Natural Preserve, and Torrey Pines State Beach. The eastern portion of the Main Reserve and eastern portion of the Los Peñasquitos Marsh Natural Preserve are the portions of the Reserve located closest to the proposed project.

The Reserve includes a visitor center located at 12600 North Torrey Pines Road, and approximately 7.5 mi of hiking trails, 5.5 mi of which are located within the Main Reserve. Public ownership and use of the park and trails within the Main Reserve is provided at the main park entrance off of Camino Del Mar along Torrey Pines Park Road. Four developed viewpoints are located within the trail network (see Figure 4 insert). The Reserve offers a variety of programs for the public and volunteers ranging from interactive presentations and guided tours to trail maintenance. The Reserve is open daily from 8:00 a.m. until sunset. The visitor center opens daily at 9:00 a.m.

The mouth of Los Peñasquitos Lagoon is located at the northern end of the main reserve. Los Peñasquitos Lagoon is encompassed by the Los Peñasquitos Marsh Natural Preserve and is one of the last salt marsh areas and waterfowl refuges remaining in southern California. Los Peñasquitos Lagoon is home to several rare and endangered species of birds and serves as a stopping and nesting place for many migratory birds.

There would be no Section 4(f) use of the Reserve by the proposed project. All improvements associated with the proposed project near the Reserve, including Los Peñasquitos Lagoon, would take place within the existing Caltrans right-of-way. Access would not change as the proposed project would not impact North Torrey Pines Road or Torrey Pines Park Road. The proposed project is visible from the Reserve. Most of the developed viewpoints (see Figure 4 insert) are westerly toward the Pacific Ocean. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views. Freeway noise in the Reserve is inaudible due to topography and the distance to I-5. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of the Reserve because the proximity of the project would not substantially impair the protected activities, features, or attributes of the reserve.

#### Del Mar Heights Elementary School

Del Mar Heights Elementary School is a public elementary school in the Del Mar Union School District, located approximately 0.36 mi west of I-5 on the top of the slope. It is accessible to vehicular traffic on Boquita Drive off of Del Mar Heights Road. The playground and sports fields at the school include one unlighted basketball court, two unlighted baseball fields, one handball court, and two tot lots. These facilities are open to the public on afternoons and weekends.

Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access would not be changed as there would be no impact to Del Mar Heights Road in this area. Visual impacts remain consistent with existing views. Noise measurements taken at adjacent receptors indicate existing noise levels between 64 decibels (dBA) and 69 dBA, which is above the 67 dBA Noise Abatement Criteria (NAC) for Category B receptors, which include residences, recreational areas, picnic areas, playgrounds, active sport areas, parks, motels/hotels, schools, churches, libraries, and hospitals. For more information on the fundamentals of noise, please refer to *Section 3.15, Noise*, in the EIR/EIS. A soundwall at that location was found to be unreasonable. The noise level would increase by three dBA in the future. Since increases in noise less than three dBA are generally not perceptible by the human ear, noise levels would remain consistent the existing conditions. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of the school because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Del Mar Hills Academy of Arts and Sciences

Del Mar Hills Academy is a public elementary school in the Del Mar Union School District, located approximately 0.24 mi west of I-5, and accessible by vehicular traffic along Mango Drive off of Del Mar Heights Road. The playground and sports field includes two unlighted basketball courts, one asphalt volleyball court, one unlighted baseball field, three tot lots, and a YMCA Boys and Girls Club building. These facilities are open to the public on afternoons and weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access would not be changed as there would be no impact to Del Mar Heights Road in this area. Noise measurements taken at three receptors on the recreational facilities on the campus indicate existing noise levels between 64 dBA and 69 dBA, which is above the 67 dBA NAC for Category B receptors, which include residences, recreational areas, picnic areas, playgrounds, active sport areas, parks, motels/hotels, schools, churches, libraries, and hospitals. For more information on the fundamentals of noise, please refer to *Section 3.15* in the EIR/EIS. The future with no-build would increase the dBA by one. A soundwall at that location was found to be unreasonable. The noise level would increase by three dBA in the future. Since increases in noise less than three dBA are generally not perceptible by the human ear, noise levels would remain consistent the existing conditions. Views of the project from the Academy are very limited and would remain consistent with existing views. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use of Del Mar Hills Academy because the proximity of the project would not impair the protected activities, features, or attributes of the Academy.

#### Solana Highlands Elementary School and Park

Solana Highlands Elementary is a public elementary school in the Solana Beach School District, located approximately 0.22 mi east of I-5, accessible from Long Run Drive off of High Bluff Drive. Solana Highlands Park is a community park adjacent to the elementary school with two unlighted baseball fields, two unlighted basketball courts and two unlighted half-court basketball courts, two handball courts, and two tot lots. These facilities are open to the public on afternoons and weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource property by the proposed project, and access would not be changed as there would be no impact to Long Run Drive or High Bluff Drive in this area. Views of the project from the school



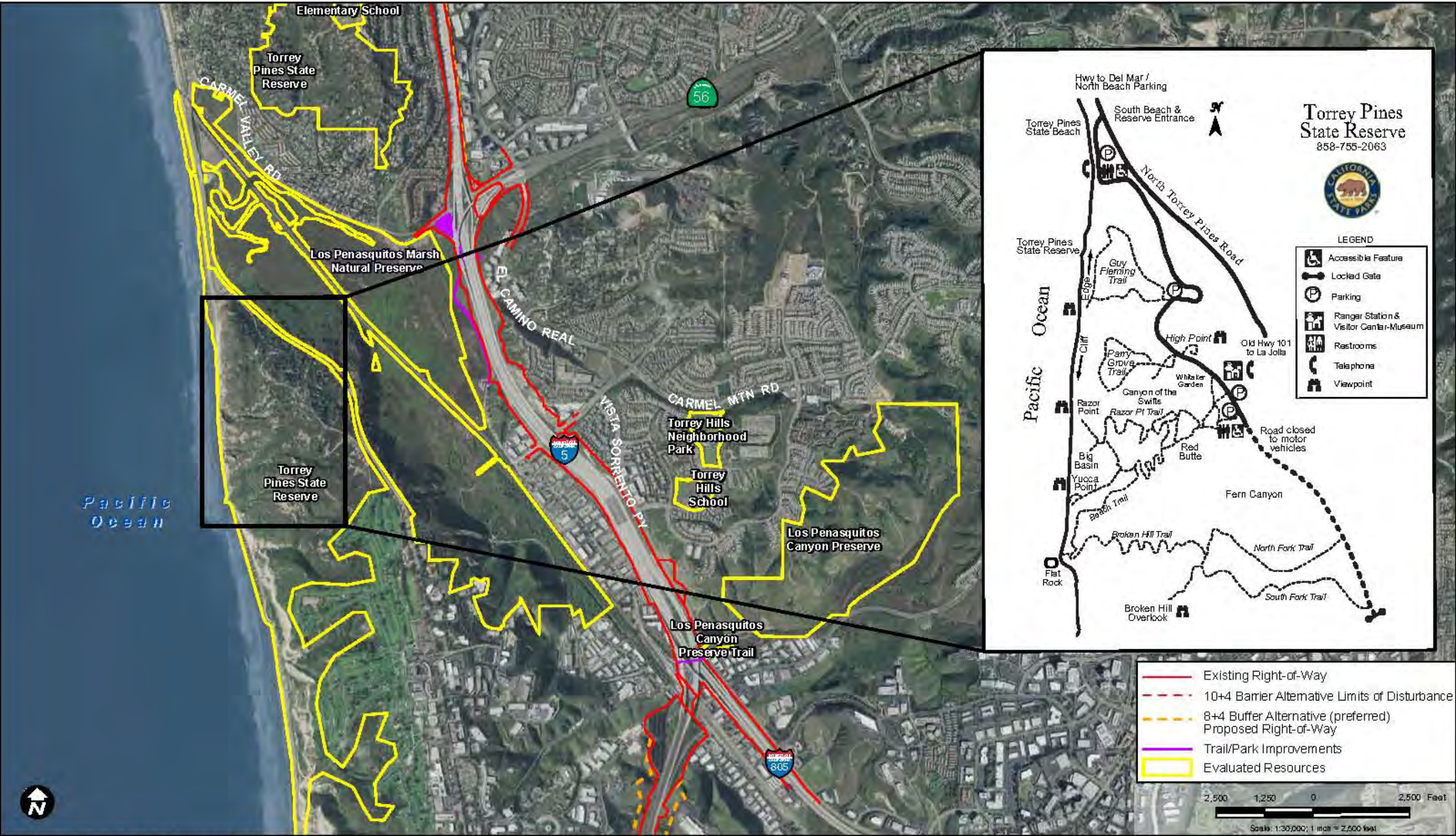


Figure 4: Torrey Pines State Reserve





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and park are very limited as there are five blocks of development between the school, park and the proposed project, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### San Dieguito River Park and Coast to Crest Trail

The San Dieguito River Park (SDRP) encompasses approximately 88,000 ac of land, stretching from the mouth of San Dieguito Lagoon east along the San Dieguito River to Ironside Spring on Volcan Mountain, just north of Julian. The San Dieguito River Park is a Joint Powers Authority (JPA) resource. The term "Joint Powers Authority" (JPA) means that some public agencies have agreed to jointly share certain powers, such as the power to manage and acquire land. The SDRP is administered by the San Dieguito River Valley Regional Open Space Park JPA, who is working to create a regional open space greenway and park system by preserving and restoring land along the length of the San Dieguito River watershed. This open space greenway and park system is being integrated by regional walking, equestrian, and bicycle trails that would extend from the Pacific Ocean to Volcan Mountain called the Coast to Crest Trail, which is currently two-thirds complete.

As shown in Figure 5, the coastal area of the SDRP encompasses approximately 440 ac and is bordered by the Pacific Ocean to the west, El Camino Real to the east, Via de la Valle to the north, and the northern edge of the Carmel Valley planning area to the south. The coastal area of the SDRP is bisected by I-5, is located entirely within the coastal zone, and is located within the incorporated boundaries of the Cities of Del Mar and San Diego. A variety of public agencies own land within the coastal area of the SDRP (in addition to the JPA itself): CDFW, State of California 22nd District Agricultural Association, the Cities of San Diego and Del Mar, and Southern California Edison (SCE). SCE, a privately owned utility agency, only owns one parcel along Via de la Valle, and this parcel is in the process of being transferred to the JPA. The property adjacent to and east of I-5 is owned by the JPA. The western area of the SDRP is currently managed by the JPA through implementation of the San Dieguito Wetlands Restoration Project that was developed in collaboration with local, State, and federal agencies including the California Coastal Commission, USFWS, NMFS, CDFW, and the Cities of San Diego and Del Mar. The San Dieguito Wetlands Restoration project was initiated to mitigate impacts on marine fish populations resulting from the cooling water systems of San Onofre Nuclear Generating Station Units 2 and 3.

Access to the coastal area of the SDRP for recreational uses is primarily along the lagoon segment of the Coast to Crest Trail, which exists from El Camino Real to Jimmy Durante Boulevard, a portion of which is parallel to and under I-5. Other public trails in the SDRP coastal area include the Riverpath Del Mar, located near the Del Mar Public Works Yard, along Jimmy Durante Boulevard, as well as the Dust Devil Nature Trail off of El Camino Real (previously called the Mesa Loop Trail). A nature center is also planned along the Coast to Crest trail east of I-5, and a trailside outdoor amphitheatre is currently under construction just east of I-5. Because the SDRP has status as a publicly owned open space preserve, wetlands restoration area, and regional open space greenway and park system, it qualifies as a resource subject to protection under Section 4(f).

The Draft EIR/EIS evaluated whether implementation of the proposed project would have the potential to use small quantities of land in the western portion of the SDRP. Since circulation of the Draft EIR/EIS, all alternatives have been refined in coordination with both State and federal

resource agencies through the NEPA/404 Integration Process to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources while still meeting project objectives. The refinements allowed the project to avoid permanently impacting land within the SDRP and eliminate the previous permanent use of small quantities of SDRP land (Figures 6 and 7).

The Coast to Crest Trail would be maintained in its existing placement. The portion of the trail that crosses underneath I-5 and that would be subject to temporary closures during construction activities is within a revocable easement granted by Caltrans and is, therefore, not subject to Section 4(f). In any case, every reasonable effort would be made to maintain the continuity of existing and designated trails, including providing detours when trail access would be temporarily disrupted and implementing the shortest feasible construction period where physically affecting the trail.

Construction of a retaining wall to avoid permanent use of the Coast to Crest trail may require a temporary construction easement for the footing of the retaining wall for the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives within the SDRP. If an alternative other than the Preferred Alternative is selected and a temporary construction easement is requested to avoid impacts to the SDRP, then FHWA/Caltrans would coordinate with the JPA regarding a temporary construction easement. The easement would be exempt from Section 4(f) under 23 CFR 774.13(d) because the temporary "occupancy" would require no change in ownership; would involve minor changes; would not interfere with the protected activities, features, or attributes of the SDRP; and would involve full restoration of the easement area.

The project proposes to add the I-5 NC Bike Trail that would extend along the west side of I-5. The I-5 NC Bike Trail is intended for recreational purposes and would enhance San Dieguito River Park trails by connecting with the Coast to Crest Trail on the west side of I-5 north of the San Dieguito River. The connection from the I-5 NC Bike Trail to the Coast to Crest trail within the SDRP would impact 0.04 acre. This connection and the retaining wall would be constructed solely for the purpose of preserving or enhancing the activities, features, and attributes of the recreational Section 4(f) resource. As allowed under the exceptions to Section 4(f) under 23 CFR 774.13(g), Section 4(f) would not be triggered to connect these two trails. Caltrans received an email on May 22, 2013 that JPA concurs that this impact is beneficial and is exempt from Section 4(f) per 23 CFR 774.13(g).

Potential indirect impacts to the facilities, functions, and/or activities within SDRP have been evaluated as discussed below.

No access points of the SDRP would be affected by any alternative. Access to trails would not be affected by any alternative. Specifically in the lagoon trail area, the trailheads for Riverpath Del Mar and Boardwalk would continue to be accessible from Jimmy Durante Boulevard, and access to trail segments east of I-5 would be accessible from the kiosk at the end of San Andres, even during times when the trail underneath I-5 may be affected by construction activities. Access to trailheads for other trails within the SDRP, such as Crest Canyon Trail and Dust Devil Nature Trail, would not be affected by the *I-5 NCC Project*. The Crest Canyon Trail within the park is accessible at Racetrack View Drive, and Dust Devil Nature Trail is accessible from El Camino Real. Impacts to the Coast to Crest Trail would not be considered a permanent use of a Section 4(f) property, as described above.





Figure 5: Coastal Area of the San Dieguito River Park



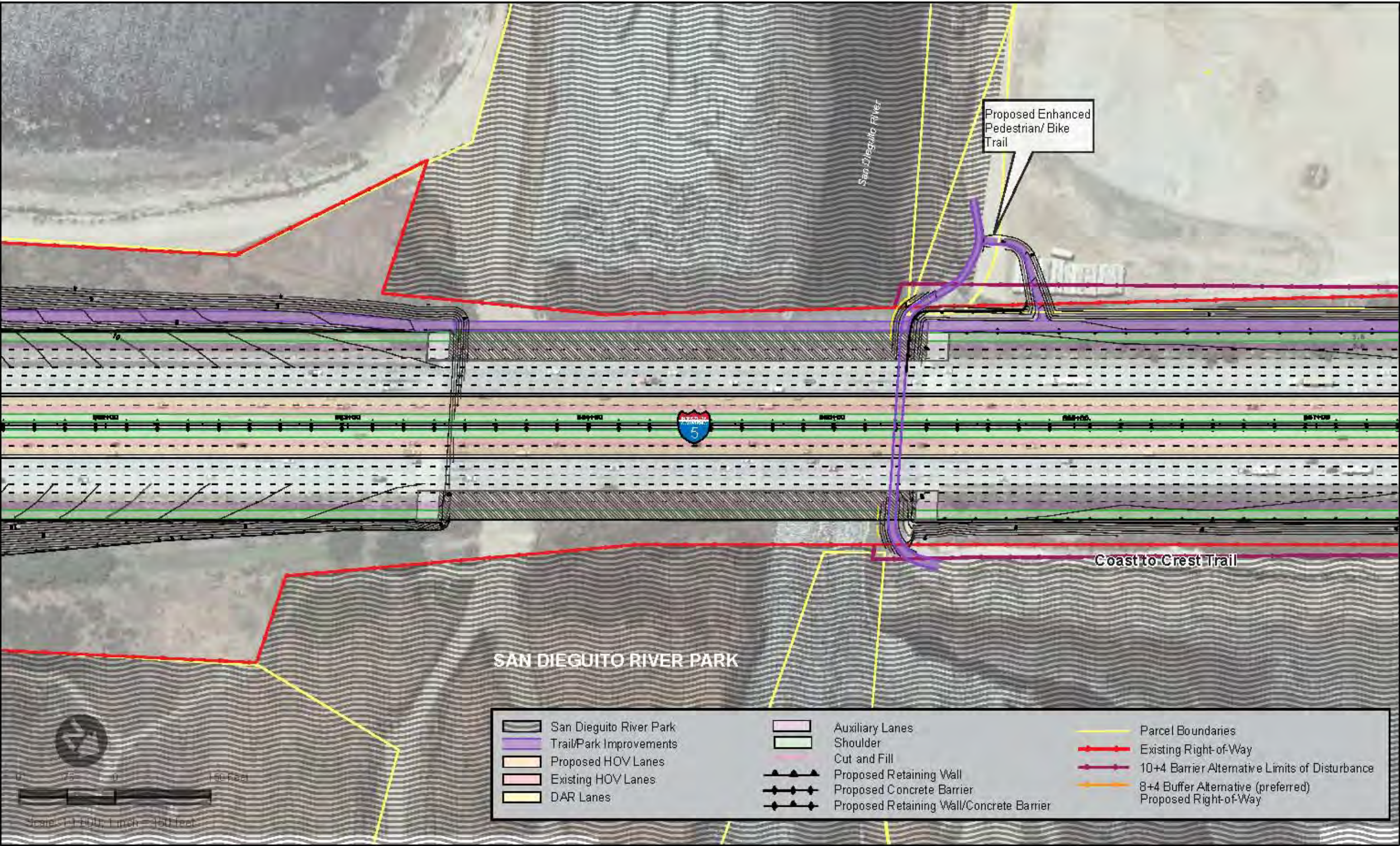


Figure 6: Potential Impacts to the Coastal Area of the San Dieguito River Park



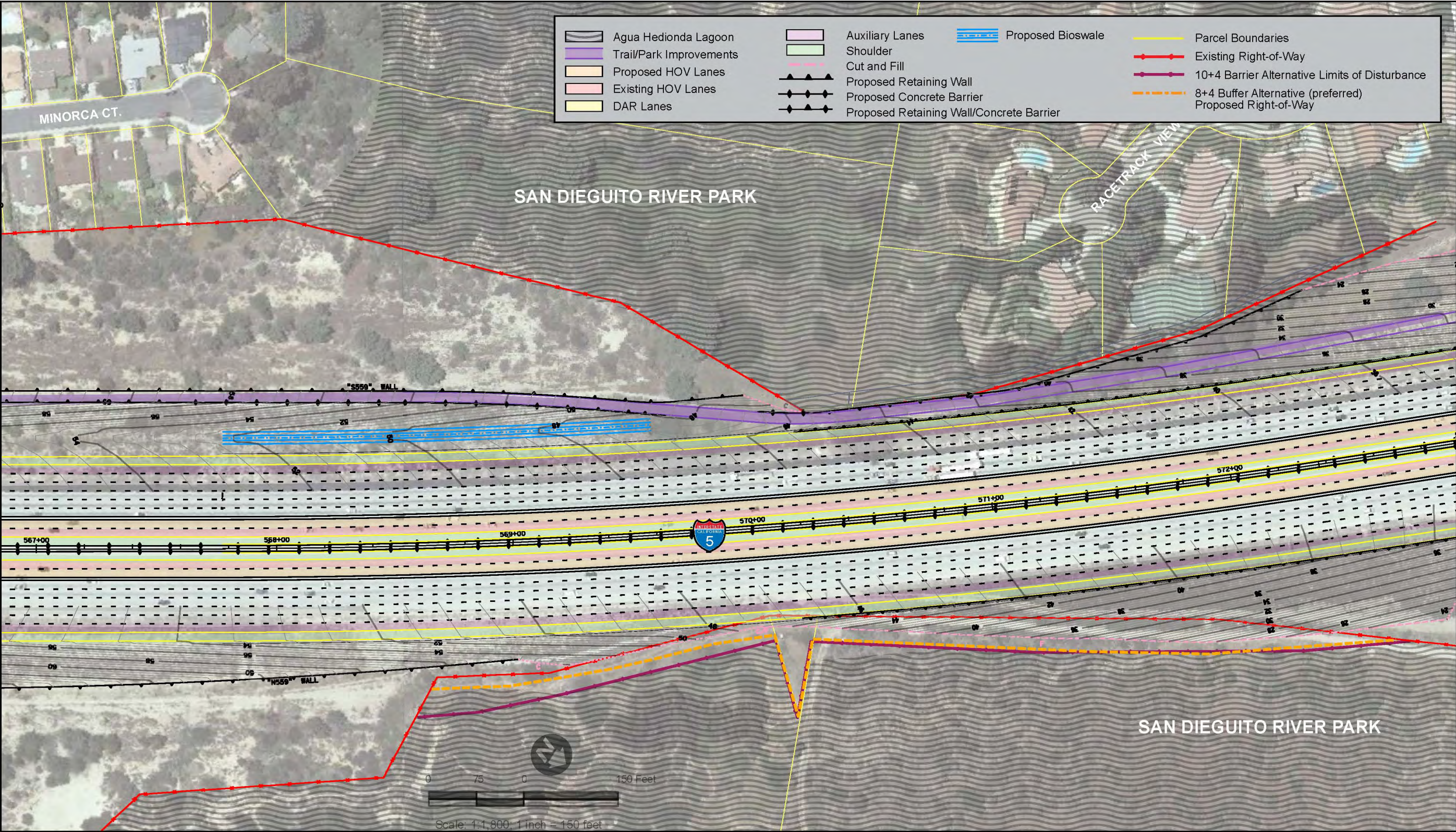


Figure 7: Potential Impacts to the San Dieguito River Park





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Implementation of any build alternative would not substantially alter the visual quality of the area because the proposed project entails widening the existing freeway. Currently, I-5 bisects the coastal setting of the SDRP. No alternative would affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway. Where the viewer focuses on the freeway, it would continue to provide a large industrial element similar to existing conditions.

Noise modeling for the *I-5 NCC Project* projected future I-5 traffic volume increases based on a 10+4 Barrier future development scenario (see *Section 3.15, Noise*, of the Final EIR/EIS for details on noise modeling). The noise model identified the existing noise levels and projected the future noise levels at three receptors within the coastal area of the SDRP. The receptor with the loudest existing noise level was 66 dBA. This receptor also had a predicted future noise level at that location of 68 dBA, an increase of two dBA. This two dBA increase was predicted at three noise receptors within SDRP. Noise modeling indicates that similar increases would occur across the entire open lagoon area that dominates the coastal area of the SDRP, typically ranging between two to three dBA. This two to three dBA increase is not generally perceptible to the human ear.

Since no SDRP land permanent use is proposed for this alternative, as defined by Section 4(f), vegetation would remain as it currently exists. Any vegetation removed would be replaced using a native plant palette.

In terms of wildlife, sensitive species such as coastal California gnatcatchers and Belding's savannah sparrows currently use the habitat near the I-5 freeway and are exposed to existing noise levels up to 66 dBA. Implementation of the noise modeling for the 10+4 Barrier alternative would result in a noise increase of an additional two to three dBA, and would not substantially increase the potential for noise to impact these sensitive species. As described in *Section 3.21, Threatened and Endangered Species*, of the EIR/EIS, there is no single standard or threshold for determining adverse noise effects on bird species. Prior studies that have indicated a possible noise effect threshold for certain species of songbirds have not been scientifically shown to be valid for the species listed above. Although a healthy human ear can barely perceive changes on the order of three dBA, it is unclear what level is perceptible to bird species in general, and less clear as to what is discernible to the above species. Some bird species within the lagoon and its periphery are expected to be exposed to an increase of two dBA, but the relative effects are likely to vary, due to the nonlinear scale in which noise is measured. An increase from 66 to 68 dBA  $L_{eq}$  requires a relatively greater amount of acoustic energy than an increase from 56 to 58 dBA  $L_{eq}$ . As such, the birds within the future 66 dBA  $L_{eq}$  noise contour may be affected to a greater degree than the rest of the populations of these species. It should be noted that under existing conditions, noise in excess of 70 dBA occurs over various wetland and upland habitats along the *I-5 NCC Project* corridor that either support, or have the potential to support, special status bird species. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and otherwise consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels.

In summary, retaining walls have been proposed for the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives to avoid use of the park. Implementation of such walls may require a temporary construction easement that is exempt from Section 4(f) per 23 CFR 774.13(d), because it would not impede the ability of the SDRP to function as a publicly owned open regional open space park. Such walls would not be needed for the Preferred Alternative.



Access to the park would not be impeded temporarily or permanently. The proposed project would not permanently interfere with existing trails, including the Coast to Crest trail. The visual character of the park would be unchanged as the coastal area of the SDRP is already bisected by the I-5. The additional lanes constructed as part of the *I-5 NCC Project* would not substantially alter views. Increases in noise levels would not be noticeable to park users. Areas of natural vegetation disturbed through construction would be restored with native plant species. Wildlife, air quality, and water quality would remain similar to the existing conditions. Based on project refinement and evaluation subsequent to circulation of the Draft EIR/EIS, it has been determined that neither the refined 8+4 Buffer alternative (Preferred Alternative) nor any other build alternative would require a *de minimis* finding. No areas of the SDRP would be transferred to a non-recreational transportation use.

Multiple meetings have been held with SDRP stakeholders, including a meeting to discuss conceptual community enhancement projects in 2006, and meetings to update the Executive Director, Citizens Advisory Committee, and JPA Board on project status in 2012 (refer to *Table 5.2, Stakeholder Outreach and Coordination*). More recently, Caltrans met on behalf of FHWA with JPA on March 28, 2013.

In response to JPA request, four commitments have been added to the project:

1. Caltrans will work with the JPA to determine if lagoon- or water-themed art and other educational amenities may be incorporated into the freeway trail undercrossing;
2. Caltrans will work with the JPA to provide beautification on the concrete facing adjacent to the trail under I-5 and will review the original design to determine what elements can be incorporated into the proposed bridge;
3. Caltrans will appoint the *I-5 NCC Project* Project Manager to work as a liaison with JPA staff on design details during the engineering design of the *I-5 NCC Project*, particularly where the freeway interfaces with the trail and park; and
4. Caltrans will appoint the Project Manager for the *I-5 NCC Project* to work as a liaison with JPA staff during construction in order to establish procedures to address construction notifications, potential trail closures, and other construction-period issues.

#### La Colonia Park

La Colonia Park is a 1.79-ac community park located 0.21 mi west of I-5 in the Eden Gardens community of Solana Beach. It is accessible from Stevens Avenue. Facilities at the park include one half-court basketball court, one tot lot, a large grass area for active and passive uses, and a picnic area with barbeques and picnic tables. Public ownership and access qualify La Colonia Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the school would not change as the project would not impact Stevens Avenue. Views of the project to the freeway are very limited as there is development between the park and the proposed project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### Earl Warren Middle School

Earl Warren Middle School is a public school in the San Dieguito Union High School District, located approximately 0.34 mi west of I-5, accessible from Stevens Avenue off of Lomas Santa

Fe Drive. The playground and sports fields include three unlighted basketball courts, two unlighted half-court basketball courts, four backstops, four volleyball nets, and pull-up bars. These facilities are open to the public when school is not in session. They are often rented out to sports leagues on weekends. Public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project. Access to the school would not change as the project would not impact Stevens Avenue or Lomas Santa Fe Drive in this area. Views of the project from the school are very limited as there is development between the school and the proposed project, which also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Skyline Elementary School

Skyline Elementary is a public school in the Solana Beach School District, located approximately 0.18 mi west of I-5, accessible from Lomas Santa Fe Drive. The playground and sports fields include two unlighted basketball courts, three unlighted half-court basketball courts, three handball courts, two back stops, and two tot lots. These facilities are open to the public on afternoons and weekends. This public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no physical use of the facilities by the proposed project, and access to the school would not change as the project would not impact Lomas Santa Fe Drive in this area. Views of the project from the school are very limited as there are several blocks of development, including retail and dining establishments, between the school and the proposed project, which also act as a sound barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Solana Vista Elementary School

Solana Vista Elementary is a public school in the Solana Beach School District, located approximately 0.33 mi east of I-5, accessible from Santa Victoria. The playground and sports field include one unlighted basketball court, one unlighted half-court basketball court, two handball courts, and one tot lot. These facilities are open to the public on afternoons and weekends. This public ownership and access qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, as access to the school would not change and there are no impacts to Santa Victoria. Views of the project from the school would be very limited as there are five blocks of development between the school and the proposed project, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the provisions of Section 4(f) are not triggered.

#### Glen Park

Glen Park is a public park owned by the City of Encinitas, located approximately 0.37 mi west of I-5, accessible from Orinda Drive. The 4.49-ac park has one unlighted basketball court, one unlighted tennis court, one volleyball court, one tot lot, picnic benches, and a Scout and Youth Center. Public ownership and access make Glen Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the school would not change as the project would not impact Orinda Drive. Views of the project

from the park are very limited as there is housing development between the park and the project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### George Berkich Park

George Berkich Park is a public park owned by the Cardiff School District, adjacent to Cardiff Elementary School, located approximately 0.48 mi west of I-5. It is accessible from Montgomery Avenue. The 4.5-ac park has one unlighted basketball court and two additional basketball hoops, one unlighted baseball field, one tot lot, and a picnic area with benches. Public ownership and access make George Berkich Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Montgomery Avenue. Views of the project from the park are obstructed by several blocks of development and natural topography, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Cardiff Sports Park

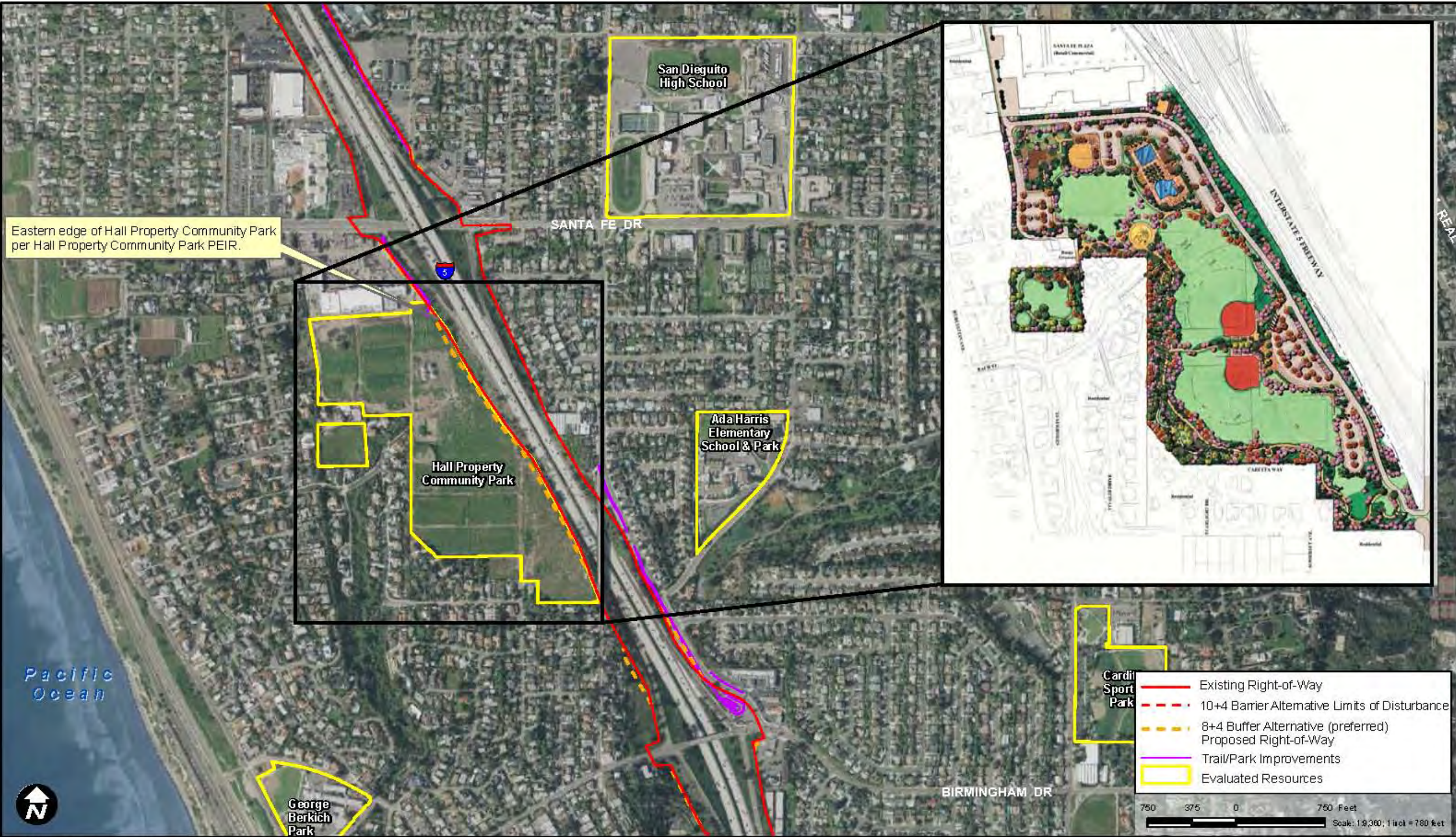
Cardiff Sports Park is a public park owned by the City of Encinitas located approximately 0.44 mi east of I-5. It is accessible from Lake Drive. The 9.2 ac has four lighted baseball fields. Public ownership and access make Cardiff Sports Park a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Lake Drive. Views of the project from the park are obstructed by eight blocks of development and natural topography, which also act as a barrier to freeway noise, vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Hall Property Community Park

Hall Property Community Park (now named Encinitas Community Park) along the I-5 right-of-way is a park planned for construction by the City of Encinitas. The Hall Property Community Park Final Environmental Impact Report (EIR) was certified by the City in 2008 (EDAW 2008). The City of Encinitas purchased the approximately 44-ac site for park development in May 2001. The Park plan includes a mixture of active and passive uses. Active uses would include softball/baseball fields, a basketball court, multiuse turf fields, a teen center, a dog park, an amphitheatre, a skate park, and possibly an aquatic facility. Passive uses would include gardens, picnic areas, trails, and a scenic overlook (Figure 8). Phase One, including the skate park, the dog park, the soccer fields, ball fields and the softball field, was put out to bid by the City in April 2012, with completion anticipated for 2014.

The City coordinated with Caltrans on the park design to ensure that implementation of the proposed project would not require a 4(f) use of lands planned for the park. In the Hall Property Community Park Final Program EIR, the City has agreed to an easement dedication of land that would provide the right-of-way needed to improve I-5, therefore the provisions of 4(f) are not triggered (23 CFR § 774.11[i]).





This map includes geographic information from Caltrans OGI, San Diego and SAN DIEGO. The imagery was taken by Eagle Aerial Imaging 03/2011. Figure revised 9/18/2013

Figure 8: Hall Property Community Park





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Park access would not change as the project would not impact Somerset Avenue or Warwick Avenue. The proposed project is visible from the park. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the project would not substantially alter existing views. Vegetation, wildlife, air quality, noise, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use of Hall Property Community Park because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Ada Harris Elementary School and Park

Ada Harris School is a public elementary school in the Cardiff School District, located approximately 0.14 mi east of I-5. It is accessible from Windsor Road off of Villa Cardiff Drive. Ada Harris Park is a community park contiguous to the elementary school with three unlighted basketball courts, one back stop, one soccer field, one handball court, and one tot lot. These facilities are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access to the school and park would not change as the project would not impact Windsor Road or Villa Cardiff Drive. Views of the project from the school and park are obstructed by six blocks of development and natural topography, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school and park.

#### San Dieguito High School

San Dieguito Academy is a public school in the San Dieguito Union High School District, located approximately 0.28 mi east of I-5 and accessible from Santa Fe Drive. Facilities at San Dieguito Academy include one unlighted soccer field and dirt track, one unlighted baseball field, four unlighted basketball courts, four lighted tennis courts, and pull-up bars. The sports fields are open to the public during weekday afternoons, and the tennis courts are open to the public on the weekends. Public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access to the school would not change. Views of the freeway from the school are obstructed by several blocks of development, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the school.

#### Mildred MacPherson Park

Mildred MacPherson Park is a public mini-park owned by the City of Encinitas, located approximately 0.40 mi west of I-5. It is accessible from South Vulcan Avenue off of Santa Fe Drive. The 1-ac park includes one unlighted half-court basketball court, one tot lot, and picnic facilities. Public ownership and access make Mildred MacPherson Park a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project and access to the park would not change as the project would not impact South Vulcan Avenue or Santa Fe Drive. Views of the project from the park are obstructed by several blocks of development, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is

not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Encinitas Viewpoint Park

Encinitas Viewpoint Park is a public neighborhood park owned by the City of Encinitas, located approximately 0.19 mi west of I-5, and accessible from East D Street off of South Vulcan Avenue. The 2.7-ac park includes one tot lot, picnic facilities, and passive recreation space.

The park has specified hours for off-leash dog activity. Public ownership and access qualify the park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the *I-5 NCC Project* would not impact South Vulcan Avenue or East D Street. Views of the project from the park are limited as there are several blocks of residential development between the park and the proposed project. The development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Paul Ecke Sports Park/YMCA

The Paul Ecke Sports Park and YMCA, located in Encinitas, is an approximately 9.3-ac park located at 278 Saxony Road north of the intersection of Encinitas Boulevard and I-5. The park is owned by the YMCA, which leases the park to the City of Encinitas. There is a 25-year lease agreement ending in 2014 (with option to renew for an additional 10 years), under which the park is operated by the City of Encinitas. This public use qualifies the park as a resource subject to Section 4(f) protection. The park consists of three lighted baseball fields. These fields are used for baseball, little league baseball, and adult softball, and the outfields are also used for soccer and flag football. The fields are used mainly for organized sports leagues, but the fields are also open to non-league uses when league play is not in action. The park is open from 8 a.m. to 11 p.m. The western edge of the park abuts the existing Caltrans right-of-way.

Under the build alternatives, no permanent impacts would occur to the property, and, therefore, there is also not a Section 4(f) use. A potential temporary construction easement to build a retaining wall that avoids permanent impacts to the park is exempt from Section 4(f) per 23 CFR 774.13(d), because the impact would be minimal and would not cause permanent adverse physical impacts, nor would it interfere with the activities or purpose of the resource. In addition, the temporary impacts period is shorter in duration than the overall construction time of the phase. Should the temporary construction easement be necessary, Caltrans would confer with the City of Encinitas to ensure that the minimal work for the retaining wall would not interfere with the purpose of this resource, as required under Section 4(f). Caltrans received an email from the City of Encinitas on September 16, 2013 concurring that the temporary construction easement to build a retaining wall that avoids permanent impacts to the park constitutes temporary occupancy of the land, and that this project action is exempt from Section 4(f) per 23 CFR 774.13(d) because the impact is minimal and would neither cause permanent adverse physical impacts nor interfere with the activities or purpose of the resource.

Access to the park would not change as the proposed project would not impact Saxony Road at the park's eastern boundary. The park is on top of the slope from the freeway. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view, as they would consist of a retaining wall on the slope between the park and the freeway. Two

noise measurements and future predictions were conducted for the park. Future noise modeling predicted that traffic-generated noise levels at these two receptors would increase by two dBA with the proposed project. This two-dBA increase would not be perceptible to the human ear. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Cottonwood Creek Park

Cottonwood Creek Park is a 8.2-ac public park owned by the City of Encinitas. The park is located west of I-5 at the northeast corner of the Encinitas Boulevard and North Vulcan Avenue, west of the intersection of Encinitas Boulevard and I-5. Cottonwood Creek Park includes two unlighted half-court basketball courts, two lighted tennis courts, a gazebo, a climbing rock, one tot lot, and passive recreation areas, including two nature viewing areas with picnic tables. It is separated from I-5 by existing development and is not immediately adjacent to the freeway. Public ownership and access qualify Cottonwood Creek Park as a resource subject to Section 4(f) protection.

The proposed project would not use any portion of the existing park. There would be a temporary construction easement to build a retaining wall, which would avoid permanent impacts to the park. On behalf of FHWA, Caltrans conferred with the City of Encinitas to ensure that minimal work for the retaining wall would not interfere with the purpose of this resource. Caltrans received an email from the City of Encinitas on March 8, 2013 concurring that the temporary construction easement to build a retaining wall that avoids permanent impacts to the park constitutes temporary occupancy of the land, and this project action is exempt from Section 4(f) per 23 CFR 774.13(d) because the impact is minimal and will not cause permanent adverse physical impacts nor will it interfere with the activities or purpose of the resource.

Access to the park would not change as the proposed project would not impact North Vulcan Avenue or Encinitas Boulevard. Commercial development partially obscures the proposed project from Cottonwood Creek Park. However, unobscured views would not be affected since the I-5 freeway is visible in the existing condition. The view of the freeway is dominated by the view east down Encinitas Boulevard showing the bridge passing over Encinitas Boulevard. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view, as they would consist primarily of the widening of the existing bridge. Commercial business, distance from the proposed project, and terrain act as barrier from freeway noise for the park. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Orpheus Park

Orpheus Park is a neighborhood park owned by the City of Encinitas, located approximately 0.24 mi west of I-5, accessible from Orpheus Avenue. The 2.9-ac park includes one tot lot, picnic facilities, limited off-leash dog hours, and passive recreation space. Public ownership and access qualify Orpheus Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Orpheus Avenue. Views of the project from the park are obscured by topography and several blocks of residential development, which act as a barrier to freeway noise.



Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Batiquitos Lagoon

Batiquitos Lagoon Ecological Reserve is a wetlands preserve serving a variety of wildlife habitat on the coast between Encinitas and Carlsbad in Figure 9. It is surrounded by the Pacific Ocean to the west; steep hills to the south traversed by La Costa Avenue; gentle slopes to the north adjacent to the Aviara development and golf course; and San Marcos Creek to the east, which serves as the connection between Batiquitos Lagoon and the watershed farther east. Batiquitos Lagoon is approximately 610 ac in size. The lagoon's watershed includes portions of the Cities of Carlsbad, San Marcos, and Encinitas. The lagoon's primary freshwater tributaries are San Marcos Creek to the east, which flows under El Camino Real, and Encinitas Creek to the south, which empties into the lagoon under La Costa Avenue.

Batiquitos Lagoon is currently owned by the State of California and is preserved as a State Ecological Reserve with public access, a resource subject to Section 4(f) protection. Batiquitos Lagoon is currently managed by a number of agencies as a restoration project initiated by the Port of Los Angeles to compensate for the loss of marine resources resulting from construction of new cargo terminals in the Port of Los Angeles. The Port of Los Angeles is working with the City of Carlsbad, the California Department of Fish and Wildlife (CDFW), the California State Lands Commission, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) to restore Batiquitos Lagoon. Batiquitos Lagoon includes a Nature Center, located at 7380 Gabbiano Lane, and a public hiking trail two mi long. The public hiking trail begins at the end of Gabbiano Lane and continues almost to El Camino Real on the east end of the lagoon (see Figure 9). Public access to the trail is provided from the public parking lot near the nature center and four public parking lots along Batiquitos Drive (Batiquitos Lagoon Foundation 2006).

There would be no use of Batiquitos Lagoon by the proposed project. All improvements associated with the proposed project, including proposed enhancements to the existing park and ride lot, and proposed trails, would take place within the existing Caltrans right-of-way. This is due to a retaining wall on the north portion of the middle basin to the west of I-5 that would avoid impacts to this resource. Access would not change as the *I-5 NCC Project* would not impact Gabbiano Lane or Batiquitos Drive. The proposed project is visible from Batiquitos Lagoon. Views from the park toward the proposed project would not be substantially affected as the freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would occur within the right-of-way and would not dramatically alter the existing view.

Existing noise levels at Batiquitos Lagoon are estimated to be between 62 and 64 dBA. Modeling indicates the proposed project would result in a noise increase of approximately two to four dBA, with maximum sound levels estimated at 68 dBA. Vegetation would remain similar to the existing conditions. Wildlife in the area include gnatcatchers on the north shore in east and west basins near the Caltrans right-of-way. Gnatcatchers fly in and out of Caltrans right-of-way all along the east basin. Also in the east basin is an island near the Caltrans right-of-way where Least Terns nest. There is no single standard or threshold for determining adverse noise effects on bird species, however, and studies that have identified noise effects for other bird species have not been scientifically proven to affect the species found at Batiquitos Lagoon. Furthermore, existing noise in excess of 70 dBA occurs over various wetland and upland habitats along the *I-5 NCC Project* corridor where bird populations exist.



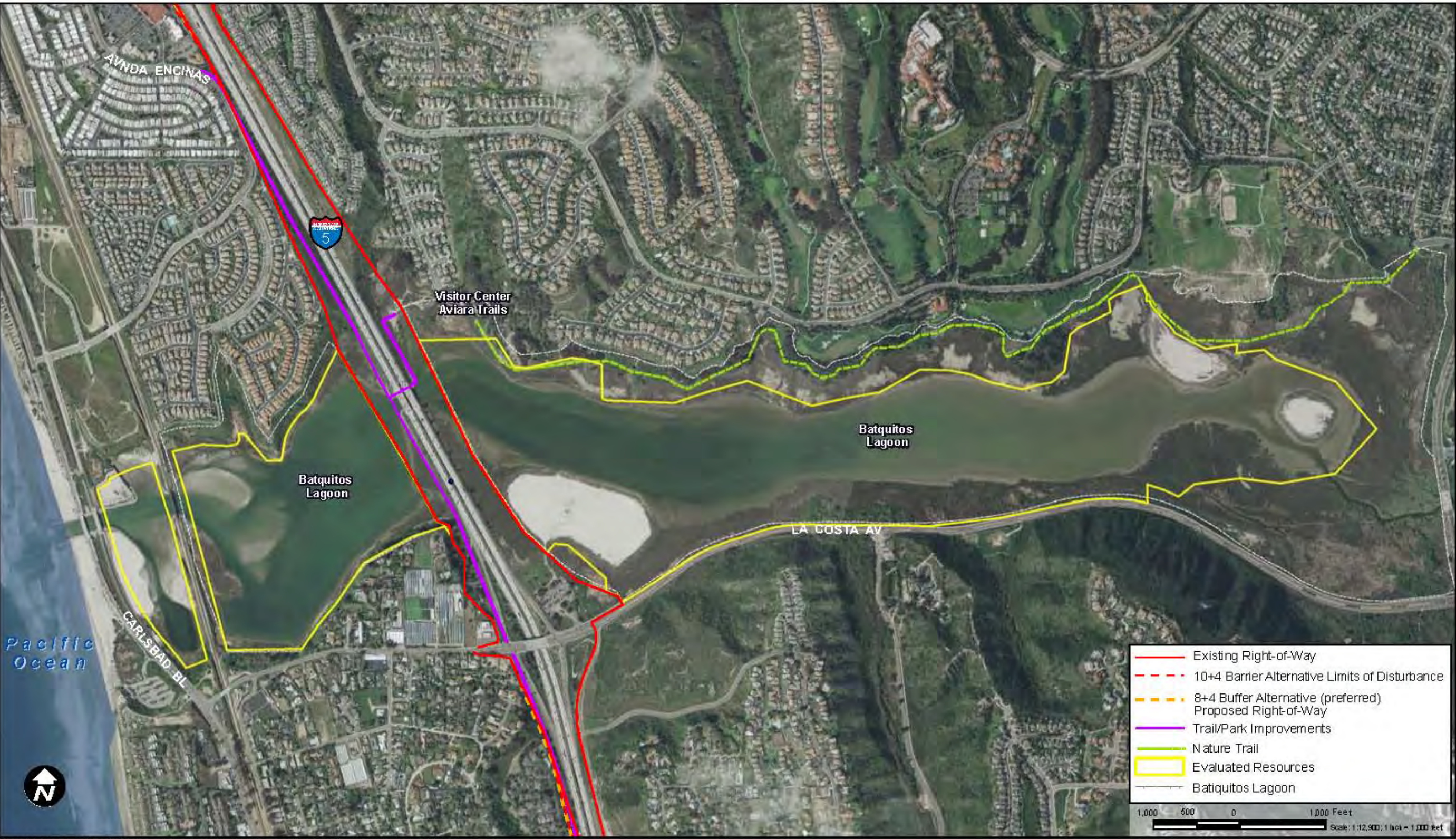


Figure 9: Batiquitos Lagoon





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In addition, wildlife and air quality would remain similar to the existing conditions. The water quality would have an increased benefit, as documented in the Supplemental EIR/EIS, because the optimized bridge design would reduce flow velocities and scour under the bridge while still transporting sand and sediments similar to existing conditions. Inlet velocities would remain similar to existing conditions due to the fixed nature of the recently modified inlet. Sediment transport under extreme flood velocities also would be reduced with the optimized channels under the optimized bridge resulting in less scour and erosion along the channels. Overall, the optimized I-5 bridge was found to result in increased tidal range in the eastern basin, which would result in increased salt marsh and other intertidal habitats (with less subtidal habitats), enhanced flushing, and improved water quality within the lagoon. Therefore, the proposed project is not expected to cause a use of Batiquitos Lagoon because the proximity impacts would not substantially impair the protected activities, features, or attributes of the lagoon.

#### Aviara Trails

The Lagoon Trail of the Aviara Trails system is 2.1 mi in length and parallels the Batiquitos Lagoon's north shore. It is located approximately 0.15 mi east of I-5 and is accessible to the public from Gabbiano Lane. The trail's status as a publicly owned recreation area makes the Aviara Trails a resource subject to Section 4(f) protection. There would be no use of the trail by the proposed project. Access to the trail could include trail improvements extending the trail into Caltrans right-of-way if maintenance agreements are reached. Otherwise there is no change to public streets as the project would not impact Gabbiano Lane. The proposed project is visible from the Lagoon Trail. Views from the trail toward the proposed project would not be substantially affected since the I-5 freeway is visible in the existing condition. Improvements to I-5 associated with the proposed project would not dramatically alter the existing view. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the trails.

#### South Carlsbad State Beach

South Carlsbad State Beach is a 3-mi stretch of beach, located approximately 0.33 mi west of I-5. It is accessible from Carlsbad Boulevard. The beach is open to the public for swimming, surfing, fishing, picnicking, and camping. Public ownership qualifies South Carlsbad State Beach as a resource subject to Section 4(f) protection. There would be no use of the beach by the proposed project. Access to the beach would not change as the *I-5 NCC Project* would not impact Carlsbad Boulevard. The proposed project has limited views from the beach due to topography and development located, including a power plant, between the beach and the proposed project. Unobscured views from the beach towards the proposed project would not be substantially altered since I-5 is visible in the existing conditions. The improvements to I-5 associated with the proposed project would not dramatically alter existing views. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of South Carlsbad State Beach.

#### Poinsettia Park

Poinsettia Park is a 42-ac public park, located approximately 0.35 mi east of I-5, and accessible to the public from Hidden Valley Road. Facilities at the park include three lighted baseball fields, ten lighted tennis courts, two lighted basketball courts, one lighted soccer field, picnic tables, and one tot lot. Public ownership and access quality make Poinsettia Park a resource



subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Hidden Valley Road. Views of the project from Poinsettia Park are limited as there is development between the park and the freeway, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Car Country Park

Car Country Park, owned by the City of Carlsbad, is a small 1.03-ac passive recreation area along Paseo Del Norte. The park is located immediately adjacent to I-5, and situated between several car dealerships to the north and south. The park contains a picnic table, landscaping, and a meandering sidewalk. Public ownership and access qualify Car Country Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Paseo Del Norte. The proposed project is visible from Car Country Park, as there are no barriers between the park and I-5. However, views from the park toward the proposed project would not be substantially affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not dramatically alter the existing view. Existing noise levels are estimated at approximately 75 dBA. Future noise levels with the proposed project are anticipated to increase between three to five dBA at this location, which would likely be perceptible to the human ear. However, the estimated increase in noise due to the project would not likely deter people who might otherwise decide to visit the park. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Cannon Park

Cannon Park is a 2.4-ac public park, located approximately 0.35 mi west of I-5, accessible from Cannon Road and Carlsbad Boulevard. The park has one basketball court, one volleyball court, one backstop, picnic tables, and a tot lot area. Public ownership and access qualify Cannon Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Cannon Road or Carlsbad Boulevard. Views from the park toward the proposed project would remain unchanged since existing views are obstructed by topography, residential and commercial development, as well as by the Encina Power Plant. This development also acts as a barrier from freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the park.

#### Carlsbad State Beach

Carlsbad State Beach is a 1.4-mi stretch of State-owned beach, located approximately 0.40 mi west of I-5 and accessed along Carlsbad Boulevard. The beach is open to the public for swimming, surfing, fishing, scuba diving, sunbathing, and other beach-related activities. Public ownership and access qualify Carlsbad State Beach as a resource subject to Section 4(f) protection. There would be no use of the beach by the proposed project. Access to the beach would not change as the project would not impact Tamarack Avenue. The proposed project cannot be viewed from the beach as there are many blocks of development, including the

Encina Power Plant, between the beach and the proposed project. Freeway noise is inaudible from the beach due to distance from I-5, wave action from the ocean, and existing development and topography. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not impair the protected activities, features, or attributes of the beach.

#### Coastal Rail Trail – Carlsbad

The Coastal Rail Trail in Carlsbad is a 1.2-mi stretch of trail, located approximately 0.33 mi west of I-5, accessible from Tamarack Avenue and Oak Avenue. Activities on the trail include walking/jogging and biking. Public ownership and access qualify the Coastal Rail Trail as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the trail would not change as the project would not impact Tamarack Avenue or Oak Avenue. The proposed project cannot be viewed from the trail as there are several blocks of residential and commercial development between the park and the proposed project, which acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the trail.

#### Chase Field

Chase Field is a 2.7-ac playing field located approximately 0.07 mi west of I-5. It is accessible from Harding Street off of Carlsbad Village Drive. Facilities include three lighted baseball fields and a snack bar. The field's status as a publicly owned park with public access qualifies the field as a resource subject to Section 4(f) protection. There would be no use of the field by the proposed project, and access to the field would not change as the project would not impact Harding Street or Carlsbad Village Drive in this area. Views from the field toward the freeway are obscured by two blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of Chase Field.

#### Pine Avenue Community Park

The Pine Avenue Community Park is a 7.7-ac park adjacent to Chase Field, located approximately 0.11 mi west of I-5 and accessible from Harding Street off of Carlsbad Village Drive. Facilities at Pine Avenue Park include a lighted soccer field, a lighted baseball field, two half-court basketball courts, picnic tables, and a tot lot area. Public ownership and access qualify the park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Harding Street or Carlsbad Village Drive in this area. Views of the project from the park are obscured by two blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity of the project would not substantially impair the protected activities, features, or attributes of the park.

#### Holiday Park

Holiday Park is a 5.9-ac public park, owned by the City of Carlsbad, located on the corner of Chestnut Avenue and Pio Pico Drive (Figure 10). Holiday Park features horseshoe pits, a picnic

area, a tot lot play area, restrooms, and large shade trees. There would be no use of Holiday Park by the proposed project. However, implementation of the 10+4 Barrier alternative would require the use of an up to 0.73-ac strip of the existing Pio Pico Drive. The location of this right-of-way use is shown in Figure 10. Currently, parking is allowed on the east side of Pio Pico Drive. The loss of this existing street right-of-way would stretch approximately 800 ft along Pio Pico Drive and displace on-street parking. Based on an assumption of one parking space equaling 20 ft, the loss of 800 ft of available parking would result in a loss of 40 available parking spaces. Three small parking lots exist at the park itself with approximately 30 parking spaces each, resulting in a net total of approximately 90 parking spaces. Five of these parking spaces are reserved for handicapped parking. Street parking is allowed on the majority of the streets surrounding the park. Field reconnaissance at the park was conducted on two separate occasions to determine if parking was constrained in the existing condition. One site visit was conducted on a summer evening during the workweek when it was expected that the majority of residents surrounding the park were home. Another was conducted on a Saturday afternoon in the summer when it can be expected that the park would have a large number of patrons. During both visits, it was observed that the parking lots adjacent to the park were approximately half full; fewer than 10 cars were observed along Pio Pico Drive itself, and the majority of the street parking surrounding the park was vacant. Consequently, the loss of parking along Pio Pico Drive would not substantially reduce parking available for Holiday Park. Only the 10+4 Barrier alternative would impact street parking along Pio Pico Drive next to Holiday Park, and there is ongoing coordination with the City of Carlsbad regarding the City's parking concerns. Access patterns would change slightly with the loss of on-street parking along Pio Pico Drive, but adequate parking would remain available in the immediate vicinity.

Existing views of the freeway atop a low embankment would be replaced by a retaining wall, topped by a proposed soundwall. Although the wall would alter views to the west, this would not affect activities at the park. Additionally, noise levels would actually be reduced slightly with construction of the soundwall. The retaining/soundwall would be between 12 to 15 ft in height and feature architectural detailing (see EIR/EIS Figures 3-7.65 through 3-7.68). Landscaping would also be provided at the base of the wall. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. Existing noise levels are between 66 and 75 dBA; with the soundwall noise levels would be reduced to 66 to 67 dBA. The final decision regarding noise abatement would be made upon completion of the project design and ongoing coordination with the City of Carlsbad. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project would not cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park, as documented in the visual simulations of the park shown in Figures 11a through 11d and discussed in *Chapter 3.7, Visual/Aesthetics* of the Final EIR/EIS.





Figure 10: Holiday Park

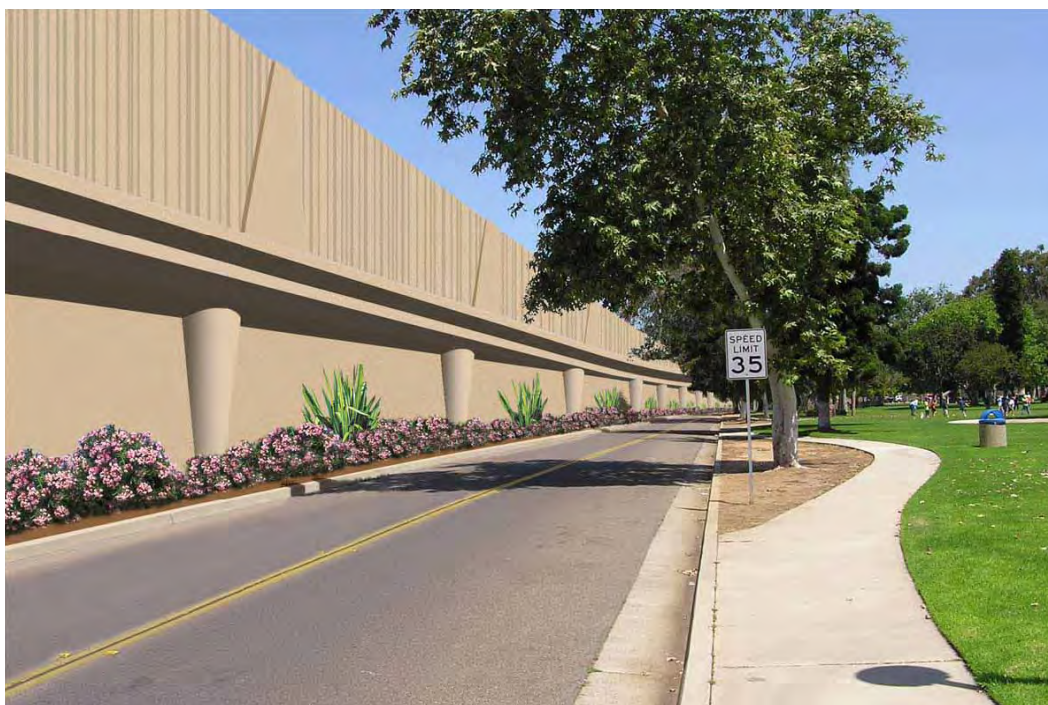




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**Figure 11a: Holiday Park in Carlsbad: Existing view looking north**



**Figure 11b: Holiday Park in Carlsbad: Proposed view looking north**





**Figure 11c: Holiday Park in Carlsbad: Existing view looking southwest**



**Figure 11d: Holiday Park in Carlsbad: Proposed view looking southwest**



### Rotary Park

Rotary Park is a 0.8-ac public park, located approximately 0.48 mi west of I-5. It is accessible from Grand Avenue and Carlsbad Village Drive. The park has a gazebo and benches. Public ownership and access qualify Rotary Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Grand Avenue or Carlsbad Village Drive in this area. Views of the project from the park would be obscured by ten blocks of development, including retail and restaurants. This development also would act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Maxton Brown Park

Maxton Brown Park is a 1.0-ac public park located approximately 0.44 mi west of I-5. It is accessible from Laguna Drive and State Street off of Carlsbad Boulevard. The park includes picnic tables and barbecue facilities. Public ownership and access qualify Maxton Brown Park as a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project. Access to the park would not change as the project would not impact Laguna Drive, State Street, or Carlsbad Boulevard. Views of the project from the park are obscured by several blocks of development, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Buena Vista Elementary School

Buena Vista Elementary is a public school in the Carlsbad Unified School District, located approximately 0.06 mi east of I-5, accessible from Buena Vista Way off of Pio Pico Drive. Facilities at Buena Vista Elementary include three basketball courts, one volleyball court, and two handball courts. These facilities are open to the public on afternoons and weekends. This public access and ownership qualify these school facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project, and access to the school would not change as the project would not impact Buena Vista Way or Pio Pico Drive in this area.

Views of the project from the school are limited, as there are three blocks of development between the school and the proposed project. Improvements to I-5 associated with the proposed project would not dramatically alter existing views. The proposed project would reduce freeway noise below existing levels with the construction of the proposed soundwall. The wall height would be 10ft and the length is 433 ft. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. The final decision regarding noise abatement would be made upon completion of the project design and coordination with the City of Carlsbad. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

### Hosp Grove Park

Hosp Grove Park is a public park owned by the City of Carlsbad, located approximately 0.38 mi east of I-5 at the corner of Jefferson Street and Monroe Street, near Buena Vista Lagoon.





Facilities at the 65.03-ac park include picnic tables, a tot lot, and a 2.4-km (1.5-mi) walking trail. The remainder of the park is a eucalyptus grove. Public ownership and access qualify Hosp Grove Park as a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Jefferson Street or Monroe Street. The proposed project is visible from Hosp Grove Park. However, views to and from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing conditions, and improvements to I-5 associated with the proposed project would not dramatically alter the existing views. Commercial business, distance from the proposed project, and terrain act as barrier from freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Buena Vista Lagoon

Buena Vista Lagoon is an approximately 350-ac freshwater lagoon that is managed as an ecological preserve by the CDFW. Buena Vista Lagoon, as shown in Figure 12, is located between the Cities of Oceanside and Carlsbad and is bordered by the Pacific Ocean in the west; urban development, SR-78, and Jefferson Street to the east; and urban development to north and south.

The Nature Center at 2202 South Coast Highway in Oceanside operated by Buena Vista Audubon Society. Fishing and passive recreation such as picnicking are permitted at the lagoon. The Nature Center staff provides guided nature walks. The lagoon's status as publicly owned ecological preserve and recreation area makes the Buena Vista Lagoon subject to Section 4(f) protection.

There would be no use of Buena Vista Lagoon by the proposed project. All improvements associated with the proposed project near Buena Vista Lagoon would take place within the existing Caltrans right-of-way. The proposed project is visible from Buena Vista Lagoon. However, views from the lagoon toward the proposed project would not be substantially changed since the I-5 freeway is visible in the existing. Existing noise levels at Buena Vista Lagoon were measured at 53 dBA at one receptor and 63 dBA at two other receptors.

Noise modeling found that noise at the lagoon resulting from operation of the proposed project would increase by no more than two dBA for all three receptors. This increase in noise would not substantially impair Buena Vista Lagoon's ability to function as an ecological preserve. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. In fact for water quality, there is no change to the salinity and turbidity of the water, because there is no change to the existing tidal range. The proposed project is not expected to cause a use of Buena Vista Lagoon because the proximity impacts would not substantially impair the protected activities, features, or attributes of the lagoon.

#### South Oceanside Elementary School and Park

South Oceanside Elementary is a public elementary school in the Oceanside Unified School District, located approximately 0.17 mi west of I-5. It is accessible from South Horne Street off of Cassidy Street. South Oceanside Park is a community park adjacent to the elementary school with one baseball field and one additional backstop, three basketball courts, two tennis



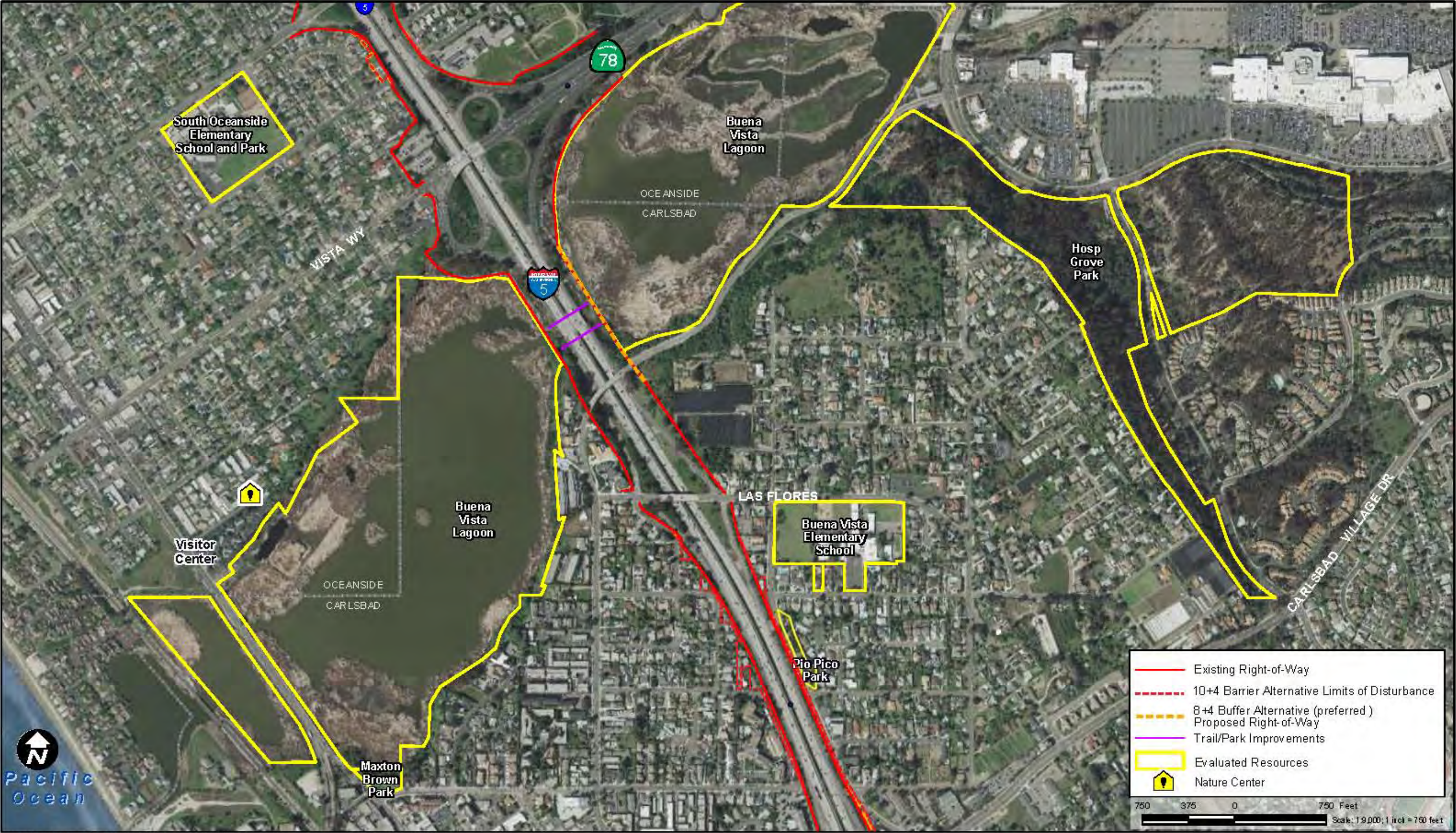


Figure 12: Buena Vista Lagoon





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resource subject to Section 4(f) protection. There would be no use of the resource property by the proposed project, and access to the school would not change as the project would not impact South Horne Street or Cassidy Street. Views of the project from the school are limited, as there is development between the school and the proposed project. This development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school and park.

#### Marshall Street Swim Center and Park

Marshall Street Swim Center is an indoor public pool located approximately 0.25 mi west of I-5. It is accessible at the end of Marshall Street, off of California Street. The adjacent park has a playground and passive recreation space with open grass areas and picnic benches. Public ownership and access qualify Marshall Street Swim Center and Park as a resource subject to Section 4(f) protection. Access to the swim center and park would not change as the project would not impact Marshall Street or California Street. Views of the project from the property are limited, due to topography and development between the Swim Center/Park and the proposed project. This topography and development also acts as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of this property.

#### Palmquist School and Lincoln Middle School

Palmquist Elementary is a public school in the Oceanside Unified School District, located approximately 0.30 mi east of I-5. It is accessible from California Street. Adjacent to Palmquist is Lincoln Middle School, also part of the Oceanside Unified School District and accessible from California Street. The playground and sports field include eight unlighted basketball courts, seven backstops, a cinder track, four volleyball nets, playground equipment, and approximately 10 ac of grass. These facilities are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as resources afforded protection under Section 4(f). There would be no use of the resource by the proposed project, and access to the schools would not change as the project would not impact California Street. Views of the project from the schools are obscured by several blocks of development which also act as a barrier to any freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of these schools.

#### Ditmar Elementary School

Ditmar Elementary is a public school in the Oceanside Unified School District, located approximately 0.45 mi west of I-5, accessible from Ditmar Street off of Oceanside Boulevard. The sports fields and playground are open to the public on afternoons and weekends. This public access and ownership qualifies these campus facilities as a resource afforded protection under Section 4(f). There would be no use of the school by the proposed project. Access to the school would not change as the project would not impact Ditmar Street or Oceanside Boulevard in this area. Views of the project from the school are obscured by a canyon and approximately 10 blocks of development, which also act as a barrier to any freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed





project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school.

#### Center City Golf Course

The Center City Golf Course is an 18-hole municipal golf course open to the public located at 2323 Greenbrier Drive in the City of Oceanside. The golf course is also known as Goat Hill because of the hills and valleys located throughout the golf course. The golf course is located at the northeast corner of the I-5 / Oceanside Boulevard Interchange. Public ownership and access make Center City Golf Course a resource subject to Section 4(f) protection. There would be no use of the resource by the proposed project and access to the park would not change as the project would not impact Greenbrier Drive. The proposed project is visible from the park. However, views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the project would not substantially alter existing views. Noise levels at the golf course would increase from 66 dBA in the existing condition to 67 dBA with the proposed project. This one dBA increase would not be perceptible to the human ear. As such, it would not impair play at the golf course. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions.

#### Ron Ortega Recreation Park

Ron Ortega Recreation Park is a 12-ac community park, located approximately 0.02 mi east of I-5, accessible from Brooks and Maxson Streets off of Mission Avenue. The park includes two lighted baseball fields, two tot lots, a picnic area, and a snack bar that are open to the public. Public ownership and access make Ron Ortega Recreation Park a resource subject to Section 4(f) protection. There would be no use of the park by the proposed project, and access to the park would not change as the project would not impact Brooks or Maxson Streets or Mission Avenue in this area. Views of the project from the park are very limited due to grade separation and existing development between the park and proposed project. A soundwall is proposed at this location and would reduce future project noise levels to below existing levels. The wall height is 12 ft and 14 ft, while the length is 845 ft. The proposed soundwall would not affect the limited views to and from the park. If, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. The final decision of the noise abatement would be made upon completion of the project design and the public involvement processes. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

#### Oceanside High School

Oceanside High School is a public high school in the Oceanside Unified School District, located approximately 0.03 mi west of I-5, with fields parallel to southbound I-5. It is accessible from Mission Avenue, and from South Horne Street off of Mission Avenue. Facilities at the high school include eight outdoor basketball courts, and a lighted football field and track. These facilities are open to the public on afternoons and weekends. This public access and ownership qualify these campus facilities as a resource afforded protection under Section 4(f). There is no direct use of the school property by the proposed project. The school access off Mission Avenue would be modified slightly as a result of the proposed improvements to the I-5 / Mission Avenue Interchange, but these modifications would not eliminate any existing turn movements into and out of the school, and pedestrian accessibility would be improved. Measurements



taken at the school's athletic fields, which is a Category B activity, exceed the 67 dBA recommended noise level under the NAC as existing noise levels range between 69 and 75 dBA. The project is predicted to increase noise levels at this location by approximately one to two dBA (refer to EIR/EIS Section 3.15). However, increases in noise less than three dBA are generally not perceptible by the human ear. A new noise barrier is recommended, to reduce noise levels to between 67 and 70 dBA. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. The proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the school.

#### Joe Balderrama Park and Recreation Center

The Joe Balderrama Park and Recreation Center is a 3-ac complex located approximately 0.15 mi east of I-5. It is accessible from San Diego Street off of Mission Avenue. The park includes one lighted basketball court, two lighted tennis courts, two handball courts, two tot lots, an indoor recreation area, and picnic areas. Additionally, the Cesar Chavez Resource Center is located on-site, which is a 12,000-sq-ft facility with multipurpose meeting rooms. Both the park and center are open to the public. Public ownership and access qualify the Joe Balderrama Park and Recreation Center a resource as subject to Section 4(f) protection. There would be no use of the resource by the proposed project, and access to the park and center would not change as the project would not impact San Diego Street or Mission Avenue in this area. Views of the proposed project would be obscured by several blocks of residential and commercial development, which act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing conditions. Therefore, the proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of these facilities.

#### San Luis Rey Trail

The trail is a 7.2 mile long Class I bicycle trail open to pedestrians. The trail extends from the Neptune access (west end) to the eastern-most point on the College Bridge and follows the path of the San Luis Rey River. This multi-use trail may be used for recreational purposes by other non-motorized users such as hikers, runners, and roller-bladers. The west end of the trail is within a few blocks of the Oceanside Transit Center where commuters can board the Coaster, Amtrak and Metrolink trains or North County Transit District buses, all of which can accommodate bicycles. A proposed parking area, trailhead staging area, and other support amenities for the existing bike path would be located on east side of I-5 / SR-76 interchange within Caltrans right-of-way, and improved as part of the project Community Enhancements. Improvements would also include southern willow scrub and coastal sage scrub restoration. There would be no permanent use of the resource by the proposed project, and access to the trail would be improved. Views of the proposed project from the trail would be limited to the extreme western end in Oceanside. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed Community Enhancement is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the trail, but would rather provide beneficial benefit.

#### Capistrano Park

Capistrano Park is a 14-ac community park located approximately 0.21 mi east of I-5 and accessible from Capistrano Drive. The park includes one lighted baseball field, one unlighted baseball field, two lighted tennis courts, one unlighted basketball court, one tot lot, and picnic tables. Public ownership and access qualify Capistrano Park a resource subject to Section 4(f)



protection. There would be no use of the resource by the proposed project, and access to the park would not change as the project would not impact Capistrano Drive. Views of the proposed project from the park are limited by topography and several blocks of development, which also act as a barrier to freeway noise. Vegetation, wildlife, air quality, and water quality would remain similar to the existing environment. Therefore, the proposed project is not expected to cause a use because the proximity impacts would not substantially impair the protected activities, features, or attributes of the park.

## CHAPTER 4.0 – SECTION 4(f) RESOURCES PROPOSED FOR *DE MINIMIS* FINDING

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 USC 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the USDOT determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 CFR 774.3 and CFR 774.17.

This chapter identifies uses of Section 4(f) land that would have a “no adverse effect” on protected resources and would be considered *de minimis*. Such *de minimis* impacts on publicly owned parks; recreational areas of national, State or local significance; wildlife or waterfowl refuges; or lands from an historic site of national, State or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding; this was included in the public comment period for the *I-5 NCC Project* Draft EIR/EIS. In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must: a) with regard to historic properties, concur, in writing, with FHWA's proposed finding of ‘no adverse effect’ or ‘no historic properties affected’ in accordance with 36 CFR part 800; or b) in the case of parks, recreation areas, and wildlife and waterfowl refuges, concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]). To comply with Section 6009(a), FHWA and Caltrans coordinated with the SHPO, who has jurisdiction over the two historic Built Environment 4(f) resources, and informed them that the proposed project's use of the 4(f) resource is being considered for a *de minimis* finding. These two historic properties would not be adversely affected.

The following discussion examines instances where the *I-5 NCC Project* would use a portion of resources eligible for protection under Section 4(f), including two park properties and one historic resource. In each instance the amount of land to be used at each resource is quantified. In instances where different build alternatives would result in differing levels of use of the Section 4(f) property, these differences are quantified. The extent to which the proposed project would adversely affect activities, features, or attributes of the Section 4(f) resource is examined using the 8+4 Buffer alternative first, since it is the Preferred Alternative. Letters from the agencies with jurisdiction are included in Appendix A1.

### 4.1 SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located between the Cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe (Figure 13). The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 ac in size. It is primarily a shallow-water estuary fed by a 77-square-mi watershed with two main tributaries, Escondido



Creek and Orilla Creek, and is divided into basins by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned by the CDFW to the west of I-5 and by the County of San Diego to the east of I-5. The County of San Diego and CDFW have an agreement to operate both the eastern and western basins of San Elijo Lagoon as a State Ecological Reserve under the administration of the County of San Diego Department of Parks and Recreation. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 bisects the two basins. The Reserve includes over five mi of hiking trails open to the public (see Figure 13). These trails can be reached from the north end of Rios Avenue, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at Orilla Creek in the community of Rancho Santa Fe at the east end. The trailheads in Solana Beach lead to hiking trails, and the trailhead at Orilla Creek is a joint hiking/equestrian facility.

The joint trail system is restricted to the East Basin as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides County ranger offices, a parking lot, restrooms, drinking water, and a one-mi loop trail.

Visitor usage of the Reserve is estimated between 55,000 to 65,000 visitor use days per year (entry onto the Reserve is equal to one visitor use day). Visitors are primarily residents of the surrounding neighborhoods and jogging is popular along the southern trails. School field trips are held at the Nature Center. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### 4.1.1 Impacts

Table 4 shows the area of approximate use for the Reserve that would be required for each alternative.

**Table 4: Area of 4(f) Use for the San Elijo Lagoon Ecological Reserve by Alternative**

<b>San Elijo Lagoon Ecological Reserve Total Area</b>	<b>10+4 Barrier Alternative</b>	<b>10+4 Buffer Alternative</b>	<b>8+4 Barrier Alternative</b>	<b>8+4 Buffer Alternative (Preferred Alternative)</b>
1000 ac	1.05ac	0.92ac	0.98 ac	0.79 ac

#### **8+4 Buffer Alternative (Preferred Alternative)**

##### Area of Land to Be Used

Implementation of the refined 8+4 Buffer alternative would require the use of approximately 0.79 ac of publicly owned land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.079 percent of the total Reserve area (Table 4). Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. The area of Reserve land



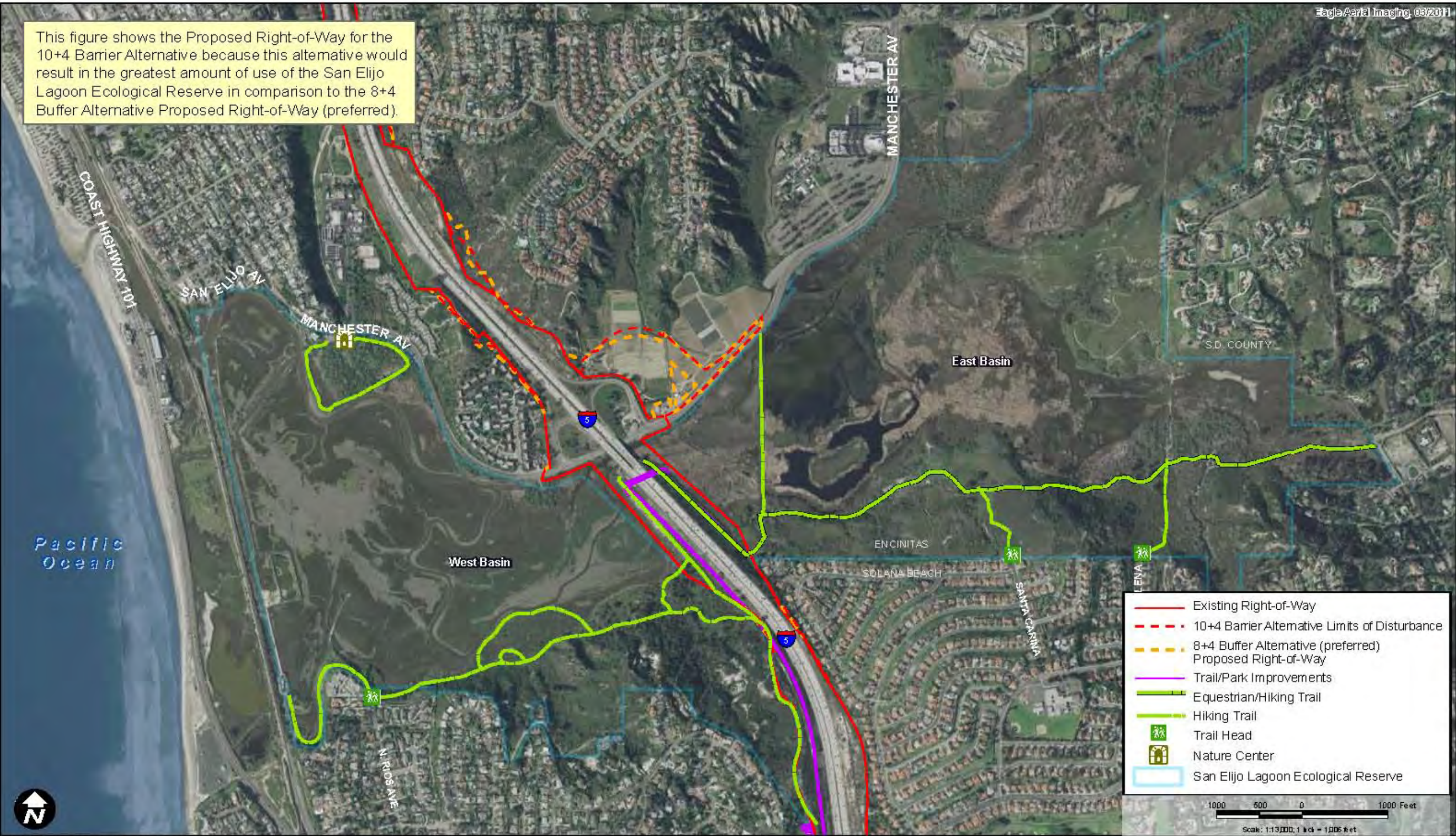


Figure 13: San Elijo Lagoon Ecological Reserve





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proposed for use by the refined 8+4 Buffer alternative is considerably smaller than the 10+4 Barrier alternative (described below) due to the change in super-elevations of the roadway which extends the toe of slope due to grading at this location (Figure 14). This minor use and replacement of the trail and maintenance access would not impact any of the other trails or other activity areas that are officially designated as a part of the Reserve or the Nature Center. Additionally, this undeveloped land does not possess any unique features or perform any vital functions that if lost would affect the Reserve ability to function as a 4(f) resource. The use of this land would be for the slope, NC Bike Trail, shoulder, concrete barrier, and retaining wall. Cross sections of these elements are located on Figure 15 and illustrated in detail on Figures 16, 17, and 18.

#### Access

The Preferred Alternative would not affect any existing means of gaining access to the Reserve. It would not impact any of the existing trailheads, which are well removed from the freeway corridor. Project construction would result in the installation of falsework that would temporarily block an area connecting the East Basin and West Basin, located under the I-5 bridge. This connection weaves through the riprap underneath the south end of the existing freeway bridge. The area is not included in Reserve trail maps and is not a permitted use of Caltrans right-of-way.

#### Visual Quality

Use associated with the Preferred Alternative would not affect the visual quality of the Reserve. The area proposed for use by the project is located in the southeastern portion of the West Basin where the Reserve borders the existing I-5 Caltrans right-of-way. The area currently consists of undeveloped land located at the base of the berm, constructed as a part of the original freeway development, and a hill that sits above I-5. The minor use would simply extend the Caltrans' right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition.

Implementation of the Preferred Alternative would not substantially alter the visual quality of the area because the proposed project entails widening the existing freeway. The scenic quality of the Reserve would not be affected because it is bisected by I-5 in the existing condition. The Preferred Alternative would not affect the dominant scenic elements of the 4(f) resource, which are the marsh areas and wide open scenic views, when compared to the views already created by the existing I-5 freeway.

#### Noise

Existing noise levels in the Reserve range from 60 dBA to 67 dBA. Modeling of future noise conditions indicated that the Reserve would experience a minimal (i.e., one dBA) increase in traffic-related noise. This one dBA increase would be imperceptible to park users.

#### Vegetation

The Reserve land used by the Preferred Alternative is located in the southeastern portion of the West Basin where the Reserve borders the existing I-5 Caltrans' right-of-way (Figure 13). It currently consists of undeveloped land located at the base of the berm constructed as a part of the original freeway development. About 0.13 ac of vegetation in this area consists of disturbed coastal sage scrub, and several eucalyptus trees. Disturbed coastal sage scrub modified by the proposed project would be mitigated with a 1:1 ratio via habitat restoration/creation ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.





### Wildlife

No sensitive wildlife species have been detected on the small quantity of Reserve land immediately adjacent to the *I-5 NCC Project*. Implementation of the Preferred Alternative would result in a noise increase of one dBA, and would not substantially increase the potential for noise to impact sensitive species. Therefore, this increase in noise would not substantially impair the Reserve's ability to function as wildlife habitat.

### **10+4 Barrier Alternative**

This alternative would be larger, but would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Barrier alternative would require use of approximately 1.05 ac of Reserve land on the west side of I-5 at San Elijo Lagoon (including 0.56 ac for temporary construction), which is about 0.11 percent of the total Reserve area (Table 4). Approximately 0.73 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.32 ac would occur on property owned by the CDFW. The area proposed for permanent use associated with the 10+4 Barrier alternative represents the greatest area of use among the four alternatives (Figure 14). Similar to the Preferred Alternative, this minor use would not impact any of the trails or other activity areas that are officially designated as a part of the Reserve or the Nature Center. Additionally, this undeveloped land does not possess any unique features or perform any vital functions that if lost would affect the Reserve ability to function as a 4(f) resource. The use of this land would be for the slope, NC Bike Trail, shoulder, concrete barrier, and retaining wall.

### **10+4 Buffer Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Buffer alternative would require the use of 0.92 ac of Reserve land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.092 percent of the total Reserve area (Table 4). Approximately 0.64 ac of this use would occur on property owned by the County of San Diego, while the remaining would consist of 0.28 ac of property owned by the CDFW. The area of Reserve land proposed for use by the 10+4 Buffer alternative is larger than for the 8+4 Buffer and smaller than the 10+4 Barrier alternative. In all other respects its potential effects upon the Reserve as a 4(f) resource are as described above.

### **8+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.







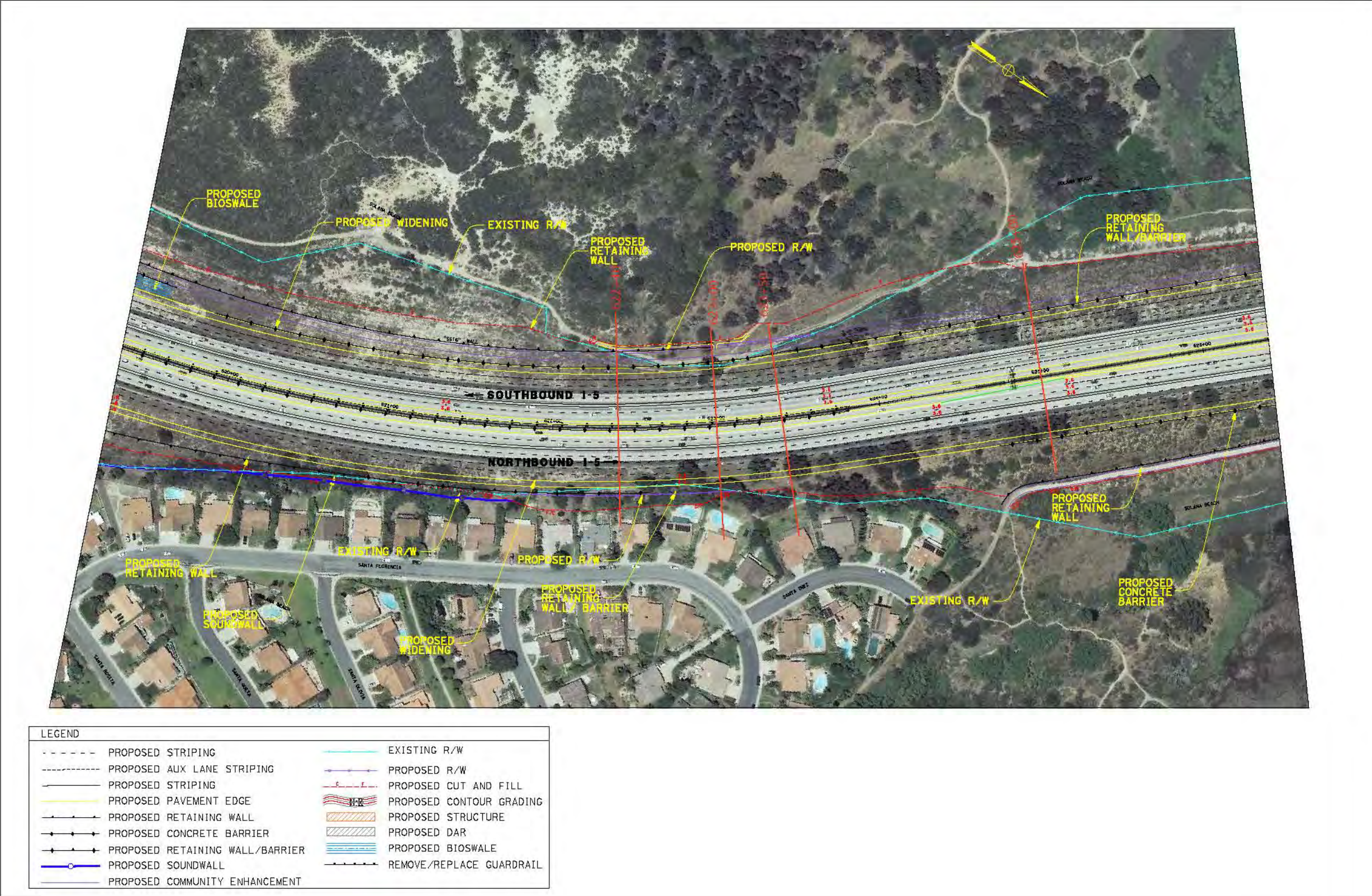


Figure 15: Preferred Alternative Cross Section Locations at San Elijo Lagoon Ecological Reserve



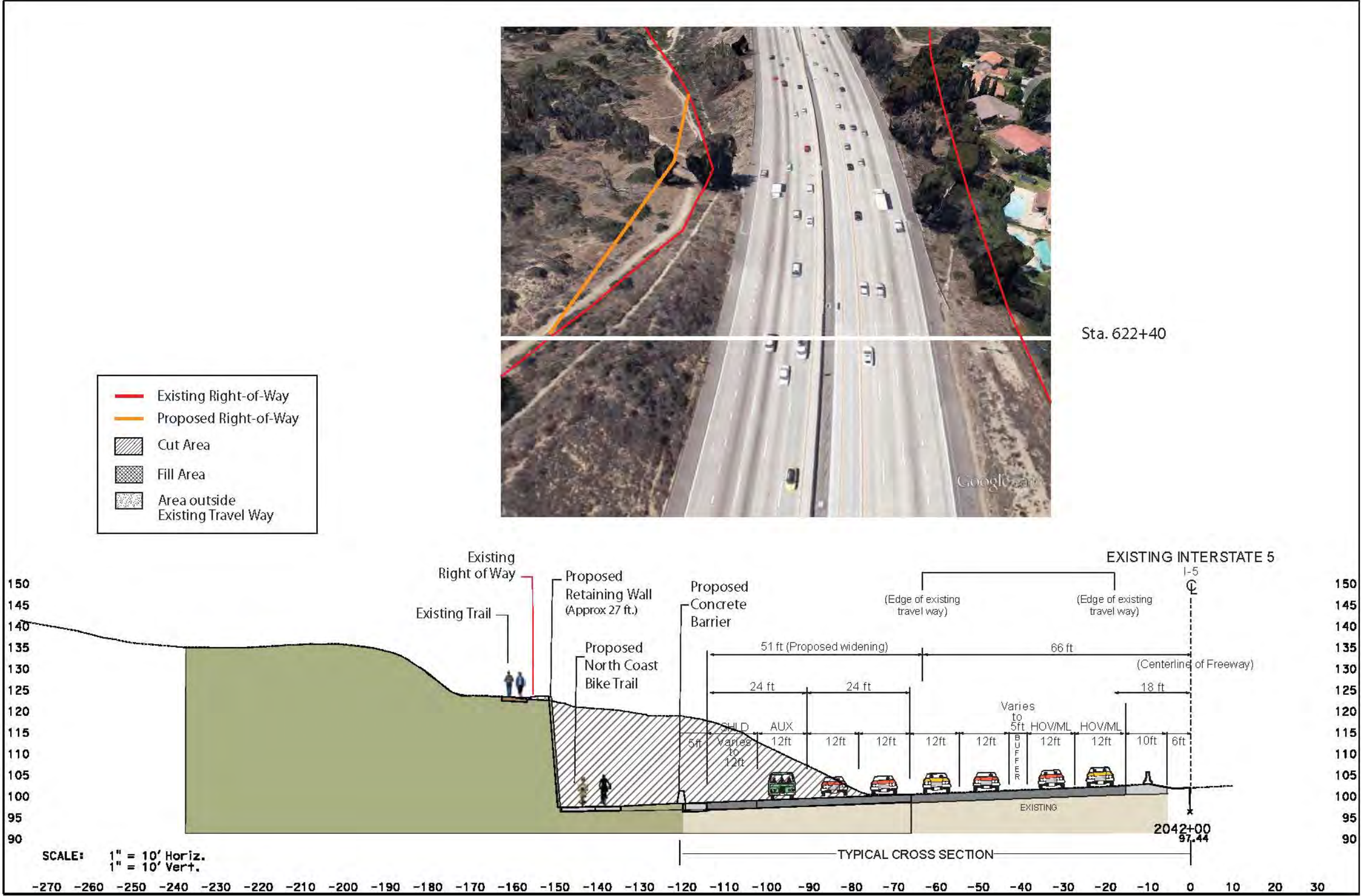


Figure 16: Preferred Alternative Cross Section at Sta. 622 + 40







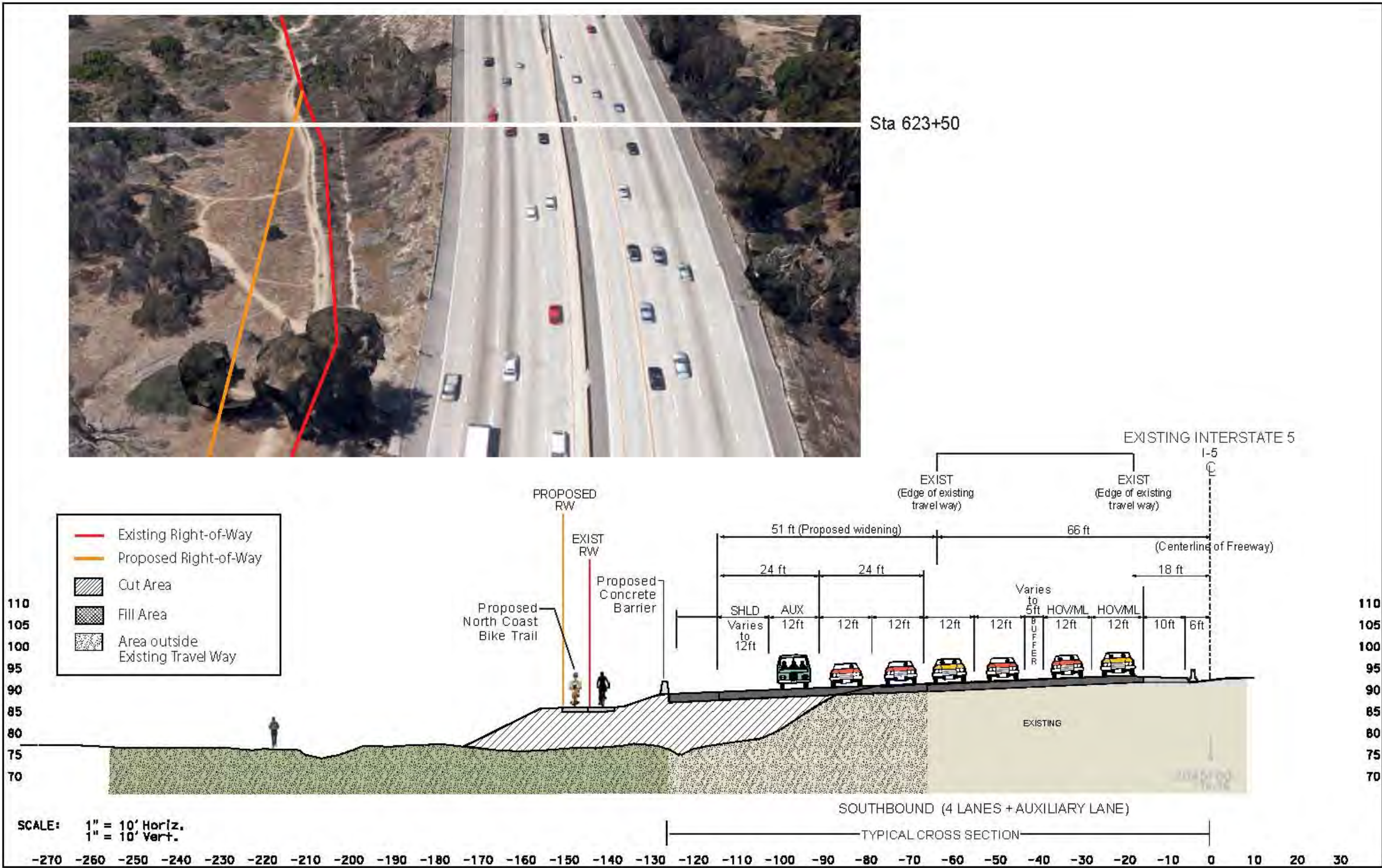


Figure 18: Preferred Alternative Cross Section at Sta. 623 + 50



2



#### Area of Land to Be Used

Implementation of the 8+4 Barrier alternative would require the use of approximately 0.98 ac of publicly owned land along the I-5 bridge abutments (including 0.56 ac for temporary construction), which is about 0.098 percent of the total Reserve area (Table 4). Approximately 0.66 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.32 ac would occur on property owned by the CDFW. The area of Reserve land proposed for use by the 8+4 Barrier alternative is 0.2 ac larger than for the 8+4 Buffer alternative. In all other respects its potential effects upon the Reserve as a 4(f) resource are as described above.

#### **4.1.2 No Build Alternative**

Implementation of the No Build alternative would not require a use of any portion of the Reserve.

#### **4.1.3 Measures to Minimize Harm**

The proposed project has been designed in coordination with the City of Encinitas, as well as State and federal resource agencies to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources. After project implementation, access to the Reserve would be enhanced by proposed trailhead improvements and the improvement of a designated trail, permitted as a secondary use within the Caltrans right-of-way, connecting the West and East basins (refer to Chapter 2). Disturbed coastal sage scrub vegetation impacted by the proposed project would be mitigated via habitat restoration/creation ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.

#### **4.1.4 De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small. Access to existing trailheads and designated trails would be unaffected, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The very small quantity of vegetation removed would be mitigated. Increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve. It is expected that any build alternative use of up to 0.23 ac of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is *de minimis*.

#### **4.1.5 Coordination**

Multiple meetings have been held with San Elijo Lagoon stakeholders, including a briefing with the San Elijo Lagoon Conservancy executive director on January 13, 2012; a meeting with CDFW, County of San Diego Department of Parks and Recreation, and the San Elijo Lagoon Conservancy to discuss 4(f) concurrence on April 3, 2013; and a meeting with the County of San Diego Department of Parks and Recreation to discuss 4(f) concurrence on August 1, 2013. Concurrence in a Section 4(f) *de minimis* finding was received from the CDFW on August 30, 2013, from the County of San Diego on September 10, 2013, and from the San Elijo Lagoon



Conservancy on August 12, 2013. Concurrence letters from agencies with jurisdiction are located in Appendix A.

## 4.2 AGUA HEDIONDA LAGOON

Agua Hedionda Lagoon, located in Carlsbad, is an approximately 400-ac, man-made water body that was constructed in 1954. Agua Hedionda Lagoon, as shown in Figure 19, is surrounded by the Pacific Ocean to the west, undeveloped land to the east, the Encina Power Plant to the south, and residential development to the north. Agua Hedionda Lagoon is connected to the Pacific Ocean through an inlet channel and to Agua Hedionda Creek and its tributaries in the inner lagoon.

Agua Hedionda Lagoon is owned by Cabrillo Power II, a privately owned corporation, who leases the lagoon to the City of Carlsbad to manage recreational and commercial uses. This long-term lease began in 1957, and is to be renewed every 10 years. This agreement turns over operation of the lagoon to the City of Carlsbad, which makes the resource subject to Section 4(f) protection. The City of Carlsbad allows boating and water skiing on the lagoon and the YMCA operates a canoeing center. A white seabass research facility, jointly managed by Hubbs/Seaworld and CDFW, is located at the lagoon, as is a commercial mussel-growing facility. These recreational, research, and commercial activities would not be impacted during construction of the proposed project.

CDFW manages a 186-ac Ecological Reserve consisting of wetlands located at the eastern end of the lagoon (see Figure 19). This ecological Reserve is owned by the CDFW and therefore represents a resource subject to Section 4(f) protection. However, this ecological Reserve is located approximately 3000 ft east of the proposed project. Implementation of the proposed project would not require use of any land within the Agua Hedionda Lagoon CDFW Reserve.

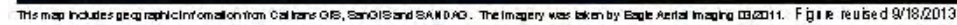
### 4.2.1 Impacts

Table 5 shows the area of approximate use for Agua Hedionda Lagoon that would be required for each alternative.

**Table 5: Area of 4(f) Use for Agua Hedionda Lagoon by Alternative**

Agua Hedionda Lagoon Total Area	10+4 Barrier Alternative	10+4 Buffer Alternative	8+4 Barrier Alternative	8+4 Buffer Alternative (Preferred Alternative)
400 ac	3.54 ac	2.00 ac	2.63 ac	1.59 ac





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Figure 20: Potential Impacts to Agua Hedionda Lagoon



## **8+4 Buffer Alternative (Preferred Alternative)**

### Area of Land to Be Used

Implementation of the 8+4 Buffer alternative would require use of approximately 1.59 ac of open water and undeveloped land leased to the City of Carlsbad (Figure 20), which is approximately 0.39 percent of the total area of the 400-ac Agua Hedionda Lagoon (Table 5). This includes the 0.02 ac area required for temporary construction. These minor land uses would not permanently affect any recreation activities at the lagoon, as described below.

### Facilities, Functions, and/or Activities Affected

Recreation activities at Agua Hedionda Lagoon include boating, water skiing, and canoeing. Minor uses of open water and undeveloped land associated with the Preferred Alternative would occur at the lagoon's boundary with I-5 and would not affect any of these recreation activities at the lagoon. These uses would also not affect the 186-ac CDFW Ecological Reserve, which is located approximately 3,000 ft east of the proposed project.

### Access

Public access to Agua Hedionda Lagoon is provided at Harrison Street and Bayshore Drive. Additional private access points are provided at the Carlsbad Boat Club and Bristol Cove. Implementation of the Preferred Alternative would not affect any of these access points.

### Visual Quality

Land used by the Preferred Alternative would not affect the visual quality of Agua Hedionda Lagoon. The areas where land along the edge of I-5 would be used currently consist of open water and undeveloped land at the lagoon's boundary with I-5. The use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition.

### Noise

Existing traffic noise levels adjacent to the freeway are approximately 68 to 70 dBA. Future noise levels at the Lagoon are projected to increase approximately two dBA over a majority of the Lagoon. This two dBA increase would not be perceptible to the human ear (a three dBA increase is barely perceptible to the human ear).

### Vegetation

Land used by the Preferred Alternative is located where Agua Hedionda Lagoon borders the existing I-5 Caltrans right-of-way and currently consists of open water and undeveloped land. Vegetation in this area consists of eel grass at 0.10 ac, and 4.84 ac disturbed coastal sage scrub, coastal sage scrub, non-native woodland, ornamental, and disturbed habitat. Vegetation to be modified by the proposed project would be mitigated with at least a 1.2:1 ratio for eel grass, 1:1 ratio for disturbed coastal sage scrub, and 2:1 ratio for coastal sage scrub and sensitive upland habitats via habitat restoration/creation ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project.

### Wildlife

The majority of Agua Hedionda Lagoon, including the area that would be used by the Preferred Alternative, is managed by the City as a recreation area and does not serve as an ecological reserve or any other type of wildlife preserve. No special status bird species were observed within the I-5 study area around Agua Hedionda Lagoon. The only portion of the lagoon



reserved for wildlife is the 186-ac CDFW Ecological Reserve in the eastern portion of the lagoon. Land use associated with the Preferred Alternative would not affect the CDFW Ecological Reserve. Additionally, the increase in traffic noise levels that would result with the proposed project would not substantially increase the potential for noise to impact sensitive species.

### **10+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Barrier alternative would require use of approximately 3.54 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.89 percent of the total area of the Agua Hedionda Lagoon (Table 5; Figure 20). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **10+4 Buffer Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 10+4 Buffer alternative would require use of approximately 2.00 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.50 percent of the total area of Agua Hedionda Lagoon (Table 5). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **8+4 Barrier Alternative**

This alternative would have impacts similar to the refined 8+4 Buffer alternative (Preferred Alternative) with the differences described below.

#### Area of Land to Be Used

Implementation of the 8+4 Barrier alternative would require use of approximately 2.63 ac of open water and undeveloped land leased to the City of Carlsbad, which is approximately 0.66 percent of the total area of Agua Hedionda Lagoon (Table 5). Similar to the Preferred Alternative, these minor land uses would not permanently affect any recreation activities at the lagoon. In all other respects, the impacts of this alternative would be identical to those discussed above.

### **4.2.2 No Build Alternative**

The No Build alternative would not require a use of any portion of Agua Hedionda Lagoon.



#### **4.2.3 Measures to Minimize Harm**

The proposed project has been designed in coordination with both State and federal resource agencies through the NEPA/404 Integration Process to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources. Coastal sage scrub and disturbed coastal sage scrub to be impacted by the proposed project would be mitigated via habitat restoration/creation at ratios agreed upon by the resource agencies as a part of the overall mitigation plan for the proposed project.

#### **4.2.4 De Minimis Finding**

Implementation of the proposed project would not impede the ability of the lagoon to support boating, water skiing, and canoeing recreation. Nor would it affect the 186-ac CDFW Ecological Reserve. Public and private access to the lagoon would not be affected. The proposed project would not interfere with existing trails, or planned trails. The visual character of the lagoon would be unchanged; the use and use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition. Increases in noise levels would not be noticeable to lagoon users. Areas of natural vegetation disturbed through construction would be restored with native plant species. Wildlife, air quality, and water quality would remain similar to the existing conditions. In fact for water quality, there is a benefit by increasing for the maximum tidal range at 8.38 feet and maximum phase lag at 80.1 minutes.

#### **4.2.5 Coordination**

It is expected that any build alternative use of the lagoon, especially use of approximately 1.6 ac that would occur for the refined 8+4 Buffer alternative (Preferred Alternative), would not adversely affect any of the activities, features, or attributes of the publicly owned open regional open space park that qualify the resource for protection under Section 4(f), and is *de minimis*. Concurrence in a Section 4(f) *de minimis* finding was received from the City of Carlsbad on May 6, 2013.

### **4.3 HISTORIC PROPERTIES**

Several Historic Property Survey Reports (HPSRs) and Finding of Effects (2007 and 2013 FOE) were prepared by Caltrans to evaluate the potential for a Section 4(f) use of historic resources. The HPSRs were based on archaeological and architectural surveys conducted to identify properties within the project area that may be eligible for listing in the National Register of Historic Places (National Register), in compliance with Section 106 of the National Historic Preservation Act, CEQA, and Section 5024 of the California Public Resources Code. The FOEs discussed the project's effect on those eligible resources in compliance with these same laws and determined if and/or what type of 4(f) use would occur.

One National Register site, 767 Orpheus Avenue, is being impacted by the project and is a sliver take. This resulted in a No Adverse Effect.

The 2013 FOE identifies one historic property (one architectural resource with contributing landscape features) that is eligible for listing in the National Register. This property is discussed below, because there remains a use that triggered Section 4(f). A second property identified in the 2007 FOE is not proposed for use, because the abatement for the sensitive receptor is no longer a recommended soundwall constructed by the proposed project.

#### **4.3.1 Impacts**

All of the build alternatives are included in the discussion below because almost the same area of use for this property would be required for all the build alternatives.

##### **Land Use**

Implementation of the proposed project would require the use of an historic property with one architectural resource with contributing landscape features eligible for listing in the National Register (refer to *Section 3.8* of the Final EIR/EIS for more specific information regarding this property). The property's eligibility for listing in the National Register qualifies this resource as subject to protection under Section 4(f). The architectural resource meets National Register Criterion C at the local level of significance as distinctive examples of its style and period, and as one of the most architecturally distinguished residences in Encinitas. The residence's property boundaries coincide with the current parcel boundaries, and contributing features include the house, garage, and the row of palm trees at the west end of the front yard.

Implementation of the proposed project would have no adverse effect on the qualities of the property that make it eligible for listing in the National Register. The use of the property would result from a partial take that would result in the loss of some vegetation/landscaping and outbuildings at the east end of the parcel. It would not affect any of the qualities that make the property eligible, as no contributing buildings, landscaping, or other contributing features would be impacted. This type of effect is called a No Adverse Effect, because the qualities that make the resource eligible would not be adversely affected. Almost the same area of use for this property would be required for all the build alternatives.

Caltrans notified FHWA and SHPO that the project's "Effects" for this property was "Not Adverse" due to minimal impacts that would not affect those qualities that contribute to the property's eligibility. On March 17, 2008, SHPO stated that the treatment of this historic property in the FOE was reasonable (see Final EIR/EIS *Figure 5-5.6*).

In a letter addressed to FHWA dated July 1, 2013, Caltrans requested FHWA's review and concurrence with the Finding of No Adverse Effect and properly notified FHWA and SHPO of the de minimis determination for this property (see Final EIR/EIS *Figure 5-5.8*). FHWA sent a letter to SHPO on this matter on July 12, 2013 in which FHWA notified SHPO of APE revisions and requested SHPO concurrence with the Finding of No Adverse Effect (see Final EIR/EIS *Figure 5-5.9*). On September 11, 2013, SHPO concurred with the Finding of No Adverse Effect without standard conditions (see Final EIR/EIS *Figure 5-5.10*).

#### **4.3.2 Avoidance Alternatives**

The No-Build Alternative would not require a use of this historic property.





#### **4.3.3 Measures to Minimize Harm**

The proposed project has been designed to minimize impacts and use, where possible, by reducing the amount of new right-of-way and limiting the grading footprint to minimize impacts to resources. No additional mitigation is required for this property.

#### **4.3.4 De Minimis Finding**

Impacts associated with the proposed project would not adversely affect any of the activities, features, or attributes that qualify this historic property for protection under 4(f), and is *de minimis*.



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## Appendix A1

### Correspondence and Concurrence with Agencies of Jurisdiction



## Information for the Reader

This appendix contains letters of coordination with agencies having jurisdiction over Section 4(f) resource(s) for which potential use could occur. The letters provided by Caltrans describe the property crossed and the level of effect associated with implementation of the 8+4 Buffer alternative (Preferred Alternative). Written concurrence on FHWA's impact assessment is requested, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). The *de minimis* determinations were prepared in consultation with the agencies having jurisdiction over the resources and centered on a) significance of the property, b) primary purpose of the land, c) proposed use and impacts, and d) proposed measures to avoid and/or minimize harm.

The letters below include both correspondence from Caltrans to the agencies, as well as from the agencies to Caltrans regarding concurrence with FHWA's assessment of *de minimis* impacts. A *de minimis* impact finding is made when the project would not adversely affect the activities, features, or attributes qualifying the properties for Section 4(f) protection.



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2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

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April 30, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Skip Hammann  
Public Works Director  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Hammann:

**RE: Agua Hedionda Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11 on behalf of the Federal Highway Administration (FHWA) is seeking written concurrence for potential use of a portion of Agua Hedionda Lagoon within the City of Carlsbad along Interstate 5 (I-5), that potential use of park land would not alter the functions of this recreational facility.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. FHWA and Caltrans have concluded that the Agua Hedionda Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to Agua Hedionda Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

*"Caltrans improves mobility across California"*

Mr. Skip Hammann  
April 30, 2013  
Page 2

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) legislation allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA in the case of parks, recreation areas, and wildlife and waterfowl refuges, that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### DESCRIPTION OF AGUA HEDIONDA LAGOON WITHIN THE PROJECT BOUNDARY

Agua Hedionda Lagoon, located in Carlsbad, is an approximately 162-ha (400-ac), man-made water body that was constructed in 1954. Agua Hedionda Lagoon, as shown in Figure 15, is surrounded by the Pacific Ocean to the west, undeveloped land to the east, the Encina Power Plant to the south, and residential development to the north. Agua Hedionda Lagoon is connected to the Pacific Ocean through an inlet channel, and to Agua Hedionda Creek and its tributaries in the inner lagoon.

Agua Hedionda Lagoon is owned by Cabrillo Power II, a privately owned corporation, who leases the lagoon to the City of Carlsbad to manage recreational and commercial uses. This long-term lease began in 1957, and is to be renewed every ten years. This agreement turns over operation of the lagoon to the City of Carlsbad, which makes the resource subject to Section 4(f) protection. The City of Carlsbad allows boating and water skiing on the lagoon, and the YMCA operates a canoeing center. A white seabass research facility, jointly managed by Hubbs/Seaworld and California Department of Fish and Wildlife (CDFW), is located at the lagoon, as is a commercial mussel-growing facility. These recreational, research, and commercial activities would not be impacted during construction of the proposed project.

CDFW manages a 75-ha (186-ac) Ecological Reserve consisting of wetlands located at the eastern end of the lagoon (see Figure 15). This Ecological Reserve is owned by the State of California; however, this Ecological Reserve is located approximately 914 m (3,000 ft.) east of the proposed project. Implementation of the proposed project would not require use of any land within the Agua Hedionda Lagoon CDFW Reserve.

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Mr. Skip Hammann  
April 30, 2013  
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#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative north of Palomar Airport Road would occur between years 2030 to 2035. This phase includes the Agua Hedionda bridge replacement and I-5 North Coast (NC) Bike Trail. Permanent impacts from these improvements would use approximately 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement. The temporary construction easement enables improvements that avoid further use of the lagoon. The area for use would be of open water and undeveloped land leased to the City of Carlsbad, which is approximately 1.1% of the total area of Agua Hedionda Lagoon. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the City will continue to clarify the proposed use of the lagoon and adjacent areas by the proposed project.

#### **Proposed *De Minimis* Finding**

Implementation of the proposed project would not impede the ability of the lagoon recreation for boating, water skiing, and canoeing. Public and private access to the lagoon would not be affected. The proposed project would not interfere with existing or planned trails and instead provides an opportunity to enhance and connect with them. The visual character of the lagoon would not be adversely changed; the use of small amounts of City leasehold land would simply extend the Caltrans right-of-way boundary outward slightly, and would ultimately result in a view of the area adjacent to I-5 as similar to the existing condition. Increases in noise levels would not be noticeable to lagoon users. With the project, future noise levels at the lagoon are projected to increase approximately 2 dBA over a majority of the lagoon. This 2 dBA increase would not be perceptible to the human ear. The increase also would not substantially increase the potential for noise to impact sensitive species.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project.

Overall, it is expected that use of 0.64 ha (1.59 ac) with 0.001 ha (.02 ac) for a temporary construction easement of the lagoon would not adversely affect any of the activities, features, or attributes of the publicly owned regional open space park that qualify the resource for protection under Section 4(f), and is proposed as *de minimis*.

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Mr. Skip Hammann  
April 30, 2013  
Page 4

#### Coordination between Caltrans/FHWA and the City of Carlsbad

In the City of Carlsbad comment letters dated November 22, 2010 and October 12, 2012 on the Draft EIR/EIS and Supplemental Draft EIR/EIS (respectively), the City commented on the trails for Agua Hedionda Lagoon and stated that east/west crossing at both bridge abutments are critical for connectivity for trails, including the Coastal Rail Trail. Caltrans will incorporate "Potential Future Pedestrian/Bike Trail and Wildlife Benches" next to the north and south abutments of the Agua Hedionda bridge. Caltrans on behalf of FHWA is continuing the coordination with the City of Carlsbad. Caltrans and the City met on February 15, 2013, and had a teleconference on March 28, 2013.

Since the project design is still in the preliminary phases, further coordination with the City of Carlsbad will occur regarding the following:

- Visual changes resulting from implementation of the LPA, including the Agua Hedionda bridge replacement, I-5 NC Bike Trail, and the proposed retaining wall for this bike trail.
- How the I-5 NC Bike Trail would connect with the planned east-west trails under and east of I-5 to enable travel between inland areas and the beach.
- How to best design the LPA, including the Agua Hedionda bridge replacement and the I-5 NC Bike Trail, to avoid and/or reduce impacts to the Foxes lift station.
- How to best enhance the nearby recreation uses and public use of the lagoon and trails.
- Consideration of pets on proposed lagoon trails.

Furthermore, Caltrans acknowledges the City may identify other concerns besides those listed above, particularly since construction of the LPA in the vicinity of the lagoon is not scheduled until 2030 at the earliest. For that reason, Caltrans agrees to continue its coordination efforts with the City into the future.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

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Mr. Skip Hammann  
April 30, 2013  
Page 5

Enclosure

c: Shay Lynn Harrison, Chief, Environmental Analysis, Branch C

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City of Carlsbad Concurrence with *De Minimis* Impact Finding for Agua Hedionda  
Lagoon

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, Agua Hedionda Lagoon, for protection under Section 4(f) within the City of Carlsbad.



Mr. Skip Hammann  
Public Works Director  
City of Carlsbad

5/6/13

DATE

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
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August 27, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Edmund Pert  
California Department of Fish & Wildlife  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123

Dear Mr. Pert:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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Mr. Edmund Pert  
August 27, 2013  
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#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins. The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end.

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August 27, 2013  
Page 3

The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially

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Mr. Edmund Pert  
August 27, 2013  
Page 4

increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### Coordination between Caltrans/FHWA and the California Department of Fish and Wildlife

In correspondence received from the CDFW during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the CDFW did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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Mr. Edmund Pert  
August 27, 2013  
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On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosure

c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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**California Department of Fish & Wildlife Service Concurrence with *De Minimis* Impact  
Finding for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.



Mr. Edmund Pert  
Regional Manager  
California Department of Fish & Wildlife  
South Coast Region 5

8-30-13  
DATE

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

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August 1, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Brian Albright, Director  
County of San Diego  
Department of Parks and Recreation  
5500 Overland Avenue, Suite 410  
San Diego, CA 92123

Dear Mr. Albright:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

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Mr. Brian Albright, Director  
August 1, 2013  
Page 2

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins.

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Mr. Brian Albright, Director  
August 1, 2013  
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The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end. The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve

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Mr. Brian Albright, Director  
August 1, 2013  
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would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination and Communication between Caltrans/FHWA and the County of San Diego**

Specific responses to each comment in your November 23, 2010, letter from DPR to Caltrans regarding the I-5 NCC Project DEIS will be included in the Final Environmental Impact Statement (FEIS). The DPR has stated it would like additional information prior to concurrence with the proposed *de minimis* finding. Summaries of the more substantive issues raised in relation to this issue, and their responses, are as follows:

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Mr. Brian Albright, Director  
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Trailheads at Solana Hills Drive and North Rios Avenue in City of Solana Beach

*Issues* The trailhead was described as being a rather minor access point and it was stated that enhancements at the more heavily used North Rios Avenue trailhead should be explored instead. Questions of ownership and maintenance were also raised along with confirmation that an easement road would still be accessible. There were also concerns over the nature of proposed lighting, of a retaining wall, and over erosion control at the North Rios Avenue trailhead.

*Response* The locations of proposed community enhancements were discussed with various stakeholders, with improvements to the existing trailhead prioritized by the City of Solana Beach, which would manage the proposed amenities. Improvements to other access points and various enhancements, including means of controlling erosion, could be a point of the ongoing stakeholder discussion. Easement road access would be maintained. Lighting would be provided for safety along the I-5 Bike Trail connected to the I-5 freeway, but would be shielded and directed away from the Reserve. Unless lighting is required by the cities, no lighting for the trails within the Reserve is anticipated. Daytime lighting of undercrossings may be required on some trails, though nighttime lighting is not proposed for trails within the Reserve, which would help discourage nighttime use. The purpose of the retaining wall is to minimize encroachment onto adjacent habitat, and it would need to be 30-40 feet tall in order to do so. The freeway users would see the face of the wall. The trail users would be above the retaining wall. In addition, planting to screen the wall is a commitment as part of project design, diminishing perceived incompatibility with the character of the Reserve. Caltrans is in ongoing, extensive coordination with the California Coastal Commission (CCC), and only native plant species would be planted. The Design Guidelines for I-5 strives to be consistent with the character of the adjacent community landscape. Therefore, Caltrans would coordinate with the stakeholders and the CCC to determine if non-native drought tolerant plants would also be feasible to screen the retaining walls in certain areas.

Manchester Avenue Pedestrian Bridge and Trail, City of Encinitas

*Issues* Concerns over nighttime lighting impacts on wildlife and on perceived security issues were raised at this location, along with trail and retaining wall design. Potential public safety and access problems in an adjacent area were also raised.

*Response* The Manchester Avenue pedestrian bridge and suspended trail would comprise part of the regional I-5 North Coast Bike Trail to provide for and improve public access. Lighting would be provided along Manchester Avenue and the bridge for safety, but would be shielded to help focus light on the trail and avoid the Reserve. The use of retaining walls would

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Mr. Brian Albright, Director  
August 1, 2013  
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reduce the size of the impacted area and, along with fencing, help keep users out of more sensitive areas. In certain locations signage would also be used to discourage access into sensitive areas and to advise users that the Reserve is closed after dark. The bike trail is not within the Reserve. Requested access points between the I-5 Bike Trail and the Reserve would be coordinated with the DPR, DFW, and SELC to install features that restrict bicycle access to the reserve trails. Co-located bike/pedestrian trails would consist of paved surface for bikes and an adjacent soft surface for pedestrians. The pedestrian trail along the west side of the freeway south of the lagoon within the Reserve would be decomposed granite. The toe of the slope would be revegetated with salt marsh species and bioswales would be kept out of wetland.

*Issues 2e)* Retaining walls adjacent to the proposed trail along the south side of the lagoon do not fit the natural character of the lagoon and may interfere with proposed restoration efforts. Please design the trail such that a retaining wall is not required.

*Response* The retaining wall proposed on the south side of the lagoon would support the trail mid-slope rather than down at toe of slope where it is currently sited. The purpose of the wall is to minimize slope spread, separate trail users from more sensitive portions of the lagoon such as areas along the water edge, and retain construction and use impacts to within Caltrans right-of-way. Lack of a retaining wall would result in additional environmental impacts and is therefore currently not under consideration for final design. The retaining wall is being developed in coordination with the restoration efforts.

*Issues 2c)* Trail improvements on the west side of I-5 should extend the length of the berm to connect to the existing trail along the south shore of the lagoon. A current foot trail at the toe of the slope should be removed during construction of the bio-swale, and the area returned to salt marsh.

*Response* A retaining wall would be installed to support a 12-foot-wide paved trail along the south side of the lagoon for bicycles and pedestrians. Fencing and other methods, as well as signage, would be used to keep bicycles on the approved trail and out of the reserve. A pedestrian trail would also be continued on the east side of the lagoon. This would eliminate the need for the existing trail at the toe of slope in this area and provide additional area for restoration. The impact area at the toe of the slope will be revegetated with salt marsh species. The bioswales will not be placed within the wetland.

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Mr. Brian Albright, Director  
August 1, 2013  
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Affected Environment, Consequences, and Avoidance, Minimization, and Mitigation Measures

*Issues* It was stated that the EIR/EIS be revised to include analysis of its relationship to various regional trails, including the California Coastal Trail, the Coast to Crest Trail, and the Trans County Trail. Mention was made that regulatory language citations may have been in error, that there were discrepancies in certain acreage impacts reported, and that there was a need for a map showing sensitive plant locations for the San Elijo Lagoon.

*Response* Project elements including various pedestrian and bicycle trail enhancements would be expected to improve the movement of users throughout the corridor, including those traveling a local, short distance and those traveling further, and is consistent with goals for the area. By facilitating improved pedestrian and bicycle movement along the project area, access to other local or regional trails is also enhanced whether or not these other trails are contiguous with trails along the I-5 corridor. This results from the reduction or elimination of non-contiguous segments that would otherwise force users onto surface streets, and thereby improves movement throughout the region. Regarding regulatory language, the code cited is an implementing code for the original codification at 23 USC 303, and is cited as part of the Caltrans template for CEQA/NEPA environmental documents. The refined 8+4 Buffer Alternative is identified in the FEIR/EIS as the Preferred Alternative, and the amount of impact is anticipated to be 0.18 acres, with the numbers in Section 3.1.3 and Appendix A now matching. Additionally, a figure showing sensitive plant species on San Elijo Lagoon slopes was included as Figure 3.19.1, *Sensitive Plant Locations*, in the DEIR/EIS and is retained in the FEIR/EIS.

Appendix A – Resources Evaluated Relative to 4(f) . Section 4.2 San Elijo Lagoon Ecological Reserve

*Issues* The I-5 NCC project's trail improvements to the existing informal trail under the I-5 bridge would represent a more formal accommodation of this trail that connects with other trails on the berms running parallel to I-5 along the east and west sides, but this trail is not currently maintained by DPR and it was requested that Caltrans maintenance responsibility be specified. Also, it was stated that the City of Encinitas does not have jurisdiction in accordance with Section 774.17 23 USC 774, and that instead jurisdiction lies with the agencies that own or administer the property which is, in this case, the County of San Diego. It was stated that while it appeared mitigation measures might qualify the project for a *de minimis* finding, no replacement parkland had been proposed, DPR had not been consulted, and that DPR would like a meeting with Caltrans to discuss avoidance and mitigation measures in order to reassure the County that *de minimis* standards are met.

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August 1, 2013  
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*Response* Maintenance for any trail within the San Elijo Conservancy including the pedestrian/bike bridge would be the responsibility of the DPR, City, or the SELC as part of a Maintenance Agreement reached prior to construction. Caltrans will continue to coordinate with agencies having jurisdiction over Section 4(f) properties in regards to impacts and to mitigation in order to help reduce or avoid them. The enhancements in this area would be expected to be neutral or even beneficial relative to existing conditions. Project footprint effects on habitat would be addressed through the project mitigation plan and associated Project Works Plan / Transportation and Resource Enhancement Program (PWP/TREP). Also, it should be noted that replacement parkland is not required under Section 4(f), though it may be a part of Section 6(f) analysis.

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

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Mr. Brian Albright, Director  
August 1, 2013  
Page 9

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 U.S.C. 303[d]; and 23 U.S.C. 138). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosures


c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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Mr. Brian Albright, Director  
August 1, 2013  
Page 10

**County of San Diego, Parks and Recreation Concurrence with *De Minimis* Impact Finding  
for San Elijo Lagoon Reserve**

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the County of San Diego.

  
\_\_\_\_\_  
Mr. Brian Albright  
Director  
Parks and Recreation, County of San Diego

8/1/13  
\_\_\_\_\_  
DATE

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

**DISTRICT 11**

4050 TAYLOR STREET, M.S. 242  
SAN DIEGO, CA 92110  
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FAX (619) 688-4237  
TTY 711  
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August 6, 2013

11-SD-5  
PM: R28.4 to R55.4  
EA: 235800 (1100000159)  
SCH#: 2004101076

Mr. Doug Gibson  
San Elijo Lagoon Conservancy  
2049 San Elijo Avenue  
Cardiff-by-the-Sea, CA 92007

Dear Mr. Gibson:

**RE: San Elijo Lagoon Potential Impacts with I-5 NCC Project**

The California Department of Transportation (Caltrans) District 11, on behalf of the Federal Highway Administration (FHWA), is seeking written concurrence for potential use of a portion of the San Elijo Lagoon Ecological Reserve within the City of Encinitas along Interstate 5 (I-5) that potential use of reserve land would not alter the functions of this ecological reserve.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 states that a policy of the United States Government is that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. These requirements are now codified at 49 U.S.C. § 303 and 23 U.S.C. § 138. FHWA and Caltrans have concluded that the San Elijo Lagoon warrants protection under Section 4(f) as it is a publicly accessed and publicly leased recreation area.

FHWA and Caltrans have prepared a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) and a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental Draft EIR/EIS) for the proposed I-5 North Coast Corridor Project (I-5 NCC Project). FHWA and Caltrans propose improvements to maintain or improve the existing and future traffic operations on the existing I-5 freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 27 miles (PM R28.4 to R55.4) along I-5. Impacts to San Elijo Lagoon were discussed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f).

In July 2011, Caltrans identified the 8+4 Buffer Alternative (I-5 Express Lanes) as the Locally Preferred Alternative (LPA). The LPA consists of two high-occupancy vehicle (HOV)/Managed Lanes in each direction, separated by a buffer from the existing four general purpose lanes in each direction.

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Mr. Doug Gibson  
August 6, 2013  
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#### APPLICABILITY OF SECTION 4(f)

Section 4(f) allows the USDOT to determine that certain uses of a Section 4(f) land would have no adverse effect on the protected resource. Such *de minimis* impacts on publicly owned parks; recreational areas of national, state or local significance; wildlife or waterfowl refuges; or lands from a historic site of national, state or local significance are defined as those that do not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) (49 U.S.C. 303[d]; 23 U.S.C. 138). When FHWA proposes to make a *de minimis* impact finding, it must provide an opportunity for public comment on the proposed finding (this was included in the public comment period for the I-5 NCC Project Draft EIR/EIS). In addition, the official(s) with jurisdiction over the Section 4(f) resource in question must concur, in writing, with the finding of Caltrans and FHWA (in the case of parks, recreation areas, and wildlife and waterfowl refuges) that the project would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection (23 CFR § 774.5[b]).

#### SAN ELIJO LAGOON ECOLOGICAL RESERVE

The San Elijo Lagoon Ecological Reserve is located within the cities of Encinitas and Solana Beach and extends inland to the community of Rancho Santa Fe. The Reserve is bordered by the Pacific Ocean to the west, and a mix of residential and undeveloped land to the east, north, and south. The entire Reserve is approximately 1,000 acres (ac) in size. It is primarily a shallow-water estuary fed by a 77-miles squared (mi<sup>2</sup>) watershed with two main tributaries, Escondido Creek and La Orilla Creek, and is divided into a west, central, and eastern basin by Highway 101, the railway, and I-5. It contains a diverse habitat with six plant communities including coastal strand, salt marsh, freshwater marsh, riparian scrub, coastal sage scrub, and mixed chaparral. The habitat supports a variety of plant and wildlife species.

The Reserve is owned jointly by the California Department of Fish and Wildlife (CDFW), the County of San Diego Department of Parks and Recreation (DPR) and the San Elijo Lagoon Conservancy (SELC). All three agencies have an agreement to operate San Elijo Lagoon as a State Ecological Reserve under the administration of the DPR. The boundary of the Reserve is contiguous with Caltrans right-of-way where I-5 separates the eastern and central basins. The Reserve includes over 8 km (7 mi) of hiking trails open to the public. These trails can be reached from the north end of Rios Avenue, Holmwood Lane, Solana Hills Drive, Santa Inez Drive, Santa Carina Drive, and Santa Helena Drive on the south side of the lagoon in Solana Beach, and along El Camino Real at La Orilla Creek in the community of Rancho Santa Fe at the east end.

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Mr. Doug Gibson  
August 6, 2013  
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The trails are designated for hiking-only in the Central Basin, and both equestrian and hiking in East Basin. The multi-use trail system is restricted to the East Basin, as the riprap slope protection under the I-5 bridge at Manchester Avenue prevents equestrian passage into the West Basin. A Nature Center, located at 2710 Manchester Avenue in Encinitas on the northwest side of the Reserve, provides county ranger offices, museum-quality exhibits, an observation deck, tables and chairs, a parking lot, restrooms, drinking water, and a 1 mile loop trail.

Visitor usage of the Reserve is estimated between 100,000 to 120,000 visitor use days per year (entry onto the Reserve is equal to one visitor use per day). The Nature Center visitor usage is approximately 55,000 to 65,000 visitor use days per year. Visitors are primarily residents of the surrounding neighborhoods, and jogging is popular along the southern trails. School field trips are held at the Nature Center as well as the Rios and Santa Carina trailheads. The park's status as a publicly owned ecological Reserve and recreation area qualifies the Reserve as a resource subject to protection under Section 4(f).

#### **Impacts with 8+4 with Buffer Alternative (Locally Preferred Alternative)**

Per the 2050 Regional Transportation Plan, implementation of the 8+4 with Buffer Alternative within the San Elijo Lagoon would occur between years 2015 to 2020. This phase includes the San Elijo bridge replacement, I-5 North Coast (NC) Bike Trail, and proposed Community Enhancement trails. See the enclosure. Permanent impacts from these improvements would use approximately 0.23 acres with 0.56 acres of temporary impacts for a temporary construction easement. At project completion, the temporary construction easement would re-establish the maintenance and pedestrian trail. The total area for use consists of degraded coastal sage scrub habitat, and is approximately 0.079% of the total Reserve area. Approximately 0.61 ac of this use would occur on property owned by the County of San Diego, while the remaining 0.18 ac would occur on property owned by the CDFW. See the enclosed figure. These minor land uses would not alter or affect any recreation activities at the lagoon. Coordination with the CDFW, DPR, and the SELC will continue to clarify the proposed use.

#### **Proposed De Minimis Finding**

Under any I-5 NCC Project alternative, the quantity of Reserve land proposed for use is extremely small at 0.79 acres. Access to existing trailheads and designated trails would remain open, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway widening. The existing noise levels in the Reserve range from 60 dBA to 67 dBA. With the project, future noise levels at the Reserve are projected to increase approximately 1 dBA from the existing noise levels. This 1 dBA increase would not be perceptible to the human ear. The increase in noise would not substantially

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Mr. Doug Gibson  
August 6, 2013  
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increase the potential for noise to impact sensitive species. Therefore, increases in traffic-related noise would not be noticeable to park users and would not impair the wildlife habitat functions of the Reserve.

Areas of natural vegetation disturbed through construction would be restored with native plant species and mitigated at ratios agreed upon by the resource agencies as part of the overall mitigation plan for the proposed project. In recognition of the unique opportunities and value of comprehensive lagoon restoration activities for corridor lagoons, the mitigation plan called the Resource Enhancement Mitigation Program (REMP) includes large-scale lagoon ecosystem restoration and enhancement mitigation opportunities, which will result in significant ecological lift to the lagoon system. The mitigation opportunity includes potential funding for a large-scale lagoon restoration program in full for San Elijo Lagoon, which would be in addition to funds already contributed to previous and ongoing planning and technical evaluation activities necessary to facilitate and implement these lagoon restoration programs. Large-scale lagoon restoration in San Elijo Lagoon may include, but is not limited to, enhancement and restoration (both types) of wetland and other aquatic resources in the associated Lagoons. The intent of the large-scale lagoon restoration funding is to improve the ecological health and hydrological connectivity and to enhance critical coastal resources and habitats. The degraded upland coastal sage community located within the area for *de minimis* is currently included within the mitigation plan. The upland habitat would be mitigated outside of the lagoon at Dean and Deer Canyon mitigation sites.

Overall, it is expected that use of up to 0.23 acres for a permanent impact and 0.56 ac for a temporary construction easement of Reserve land would not adversely affect any of the activities, features, or attributes of the Reserve that qualify the resource for protection under Section 4(f) and is proposed as *de minimis*.

#### **Coordination between Caltrans/FHWA and the San Elijo Lagoon Conservancy**

In correspondence received from the SELC during the public comment period for the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project and the comment period for the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, the SELC did not protest regarding the *de minimis* findings made by Caltrans/FHWA.

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Mr. Doug Gibson  
August 6, 2013  
Page 5

On April 3, 2013, Caltrans, on behalf of FHWA, met with CDFW, DPR, and SELC.

Since the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and SELC will occur regarding the following:

- Continuing discussions on separation between pedestrians and bicyclists.
- Ensuring that access control coordination for signage and gates within the Reserve is continued. In particular, Solana Hills Drive and the NC Bike Trail.
- Continuing discussions in which existing trails should be tied into the bench trail under the south abutment.
- Continuing discussions to ensure trails and maintenance roads are open for use during construction.
- Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance).
- Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f).
- Continuing discussions regarding right-of-way exchange.

Furthermore, Caltrans acknowledges the CDFW, DPR, and SELC may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project lifecycle.

Caltrans is now requesting your written concurrence in this *de minimis* determination, as required under Section 4(f) (49 USC 303[d]; 23 USC 138[d]). A signature block is provided at the bottom of this letter for your convenience. If you have any questions, please contact Shay Lynn Harrison, Chief, Environmental Analysis, Branch C, at (619) 688-0190.

Sincerely,



BRUCE L. APRIL  
Deputy District Director, Environmental

Enclosure


c: Shay Lynn M. Harrison, Chief, Environmental Analysis, Branch C

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San Elijo Lagoon Conservancy Concurrence with *De Minimis* Impact Finding for San Elijo  
Lagoon Reserve

The signature below represents written concurrence on the *de minimis* impact finding that the proposed Interstate 5 North Coast Corridor Project 8+4 Buffer Alternative would not adversely affect the activities, features, and attributes that qualify the property, San Elijo Lagoon, for protection under Section 4(f) within the City of Encinitas.

  
Mr. Doug Gibson  
Executive Director and Principal Scientist  
San Elijo Lagoon Conservancy

8-12-2013  
DATE

California Department of Transportation



## **Appendix B: Title VI Relocation Policy Statement**

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

OFFICE OF THE DIRECTOR  
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TTY 711  
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March 16, 2012

**NON-DISCRIMINATION  
POLICY STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, please visit the following web page: [http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_violated.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm).

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact Mario Solis, Manager, Title VI and Americans with Disabilities Act Program, California Department of Transportation, 1823 14<sup>th</sup> Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-1353, TTY 711, fax (916) 324-1869, or via email: [mario\\_solis@dot.ca.gov](mailto:mario_solis@dot.ca.gov).



MALCOLM DOUGHERTY  
Acting Director

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## **Appendix C: Relocation Assistance Information**



## **DECLARATION OF POLICY**

“The purpose of this title is to establish a ***uniform policy for fair and equitable treatment*** of persons displaced as a result of federal and federally assisted programs in order that such persons ***shall not suffer disproportionate injuries*** as a result of programs designed for the benefit of the public as a whole.”

The Fifth Amendment to the U.S. Constitution states, “No Person shall...be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.” The Uniform Act sets forth in statute the due process that must be followed in Real Property acquisitions involving federal funds. Supplementing the Uniform Act is the government-wide single rule for all agencies to follow, set forth in 49 Code of Federal Regulations, Part 24. Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments, as discussed below.

## **FAIR HOUSING**

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This Act, and as amended, makes discriminatory practices in the purchase and rental of most residential units illegal. Whenever possible, minority persons shall be given reasonable opportunities to relocate to any available housing regardless of neighborhood, as long as the replacement dwellings are decent, safe, and sanitary and are within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Any persons to be displaced will be assigned to a relocation advisor, who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments. At the time of the initiation of negotiations (usually the first written offer to purchase), owner-occupants are given a detailed explanation of the state’s relocation services. Tenant occupants of properties to be acquired are contacted soon after the initiation of negotiations, and also are given a detailed explanation of Caltrans Relocation Assistance Program. To avoid loss of possible benefits, no individual, family, business, farm, or nonprofit organization should commit to purchase or rent a replacement property without first contacting a Caltrans relocation advisor.

## **RELOCATION ASSISTANCE ADVISORY SERVICES**

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Caltrans will provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. Caltrans will assist eligible displacees in obtaining comparable replacement housing by providing current and continuing information on the availability and prices of both houses for sale and rental units that are “decent, safe and sanitary.” Nonresidential displacees will receive information on comparable properties for lease or purchase (For business, farm and nonprofit organization relocation services, see below).

Residential replacement dwellings will be in a location generally not less desirable than the displacement neighborhood at prices or rents within the financial ability of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, comparable replacement dwellings will be offered to displacees that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include the supplying of information concerning federal and State assisted housing programs, and any other known services being offered by public and private agencies in the area.

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without first being given at least 90 days written notice. Residential occupants eligible for relocation payment(s) will not be required to move unless at least one comparable “decent, safe and sanitary” replacement dwelling, available on the market, is offered to them by Caltrans.

## ***RESIDENTIAL RELOCATION PAYMENTS***

The Relocation Assistance Program will help eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for or incidental to the purchase or rental of a replacement dwelling and actual reasonable moving expenses to a new location within 50 miles of the displacement property. Any actual moving costs in excess of the 50 miles are the responsibility of the displacee. The Residential Relocation Assistance Program can be summarized as follows:

### **Moving Costs**

Any displaced person, who lawfully occupied the acquired property, regardless of the length of occupancy in the property acquired, will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 50 miles, or a fixed payment based on a fixed moving cost schedule. Lawful occupants who move into the displacement property after the initiation of negotiations must wait until Caltrans obtains control of the property in order to be eligible for relocation payments.

### **Purchase Differential**

In addition to moving and related expense payments, fully eligible homeowners may be entitled to payments for increased costs of replacement housing.

Homeowners who have owned and occupied their property for 180 days or more prior to the date of the initiation of negotiations (usually the first written offer to purchase the property), may qualify to receive a price differential payment and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. The maximum combination of these three supplemental payments that the owner-occupant can receive is \$22,500. If the total entitlement (without the moving payments) is in excess of \$22,500, the Last Resort Housing Program will be used (See the explanation of the Last Resort Housing Program below).

### Rent Differential

Tenants and certain owner-occupants (based on length of ownership) who have occupied the property to be acquired by Caltrans prior to the date of the initiation of negotiations may qualify to receive a rent differential payment. This payment is made when Caltrans determines that the cost to rent a comparable “decent, safe and sanitary” replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the tenant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitations noted under the Down Payment section below. The maximum amount payable to any eligible tenant and any owner-occupant of less than 180 days, in addition to moving expenses, is \$5,250. If the total entitlement for rent supplement exceeds \$5,250, the Last Resort Housing Program will be used.

In order to receive any relocation benefits, the displaced person must buy or rent and occupy a “decent, safe and sanitary” replacement dwelling within one year from the date Caltrans takes legal possession of the property, or from the date the displacee vacates the displacement property, whichever is later.

### Down Payment

The down payment option has been designed to aid owner-occupants of less than 180 days and tenants in legal occupancy prior to Caltrans’ initiation of negotiations. The down payment and incidental expenses cannot exceed the maximum payment of \$5,250. The one-year eligibility period in which to purchase and occupy a “decent, safe and sanitary” replacement dwelling will apply.

### Last Resort Housing

Federal regulations (49 CFR 24) contain the policy and procedure for implementing the Last Resort Housing Program on federal-aid projects. Last Resort Housing benefits are, except for the amounts of payments and the methods in making them, the same as those benefits for standard residential relocation as explained above. Last Resort Housing has been designed primarily to cover situations where a displacee cannot be relocated because of lack of available comparable replacement housing, or when the anticipated replacement housing payments exceed the \$22,500 and \$5,250 limits of the standard relocation procedure, because either the displacee lacks the financial ability or other valid circumstances.

After the initiation of negotiations, Caltrans will within a reasonable length of time, personally contact the displacees to gather important information, including the following:

- Number of people to be displaced;
- Specific arrangements needed to accommodate any family member(s) with special needs;
- Financial ability to relocate into comparable replacement dwelling which will adequately house all members of the family;
- Preferences in area of relocation;
- Location of employment or school.

## **NONRESIDENTIAL RELOCATION ASSISTANCE**

The Nonresidential Relocation Assistance Program provides assistance to businesses, farms and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. The Relocation Advisory Assistance Program will provide current lists of properties offered for sale or rent, suitable for a particular business's specific relocation needs. The types of payments available to eligible businesses, farms and nonprofit organizations are: searching and moving expenses, and possibly reestablishment expenses; or a fixed in lieu payment instead of any moving, searching and reestablishment expenses. The payment types can be summarized as follows:

### **Moving Expenses**

Moving expenses may include the following actual, reasonable costs:

- The moving of inventory, machinery, equipment and similar business-related property, including: dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting of personal property. Items acquired in the right-of-way contract may not be moved under the Relocation Assistance Program. If the displacee buys an Item Pertaining to the Realty back at salvage value, the cost to move that item is borne by the displacee.
- Loss of tangible personal property provides payment for actual, direct loss of personal property that the owner is permitted not to move.
- Expenses related to searching for a new business site, up to \$2,500, for reasonable expenses actually incurred.

### **Reestablishment Expenses**

Reestablishment expenses related to the operation of the business at the new location, up to \$10,000 for reasonable expenses actually incurred.

### **Fixed In Lieu Payment**

A fixed payment in lieu of moving, searching, and reestablishment payments may be available to businesses which meet certain eligibility requirements. This payment is an amount equal to half the average annual net earnings for the last two taxable years prior to the relocation and may not be less than \$1,000 nor more than \$20,000.

## **ADDITIONAL INFORMATION**

Reimbursement for moving costs and replacement housing payments are not considered income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the extent of eligibility of a displacee for assistance under the Social Security Act, or any other law, except for any federal law providing local "Section 8" Housing Programs.

Any person, business, farm or nonprofit organization which has been refused a relocation payment by Caltrans relocation advisor or believes that the payment(s) offered by the agency are inadequate, may appeal for a special hearing of the complaint. No legal assistance is required. Information about the appeal procedure is available from the relocation advisor.

California law allows for the payment for lost goodwill that arises from the displacement for a public project. A list of ineligible expenses can be obtained from Caltrans right-of-way. California's law and the federal regulations covering relocation assistance provide that no payment shall be duplicated by other payments being made by the displacing agency.



2

## **Appendix D: Environmental Commitments Record (ECR)**

2



**Environmental Commitments Record**

**Interstate 5 North Coast Corridor Project Improvements**

Environmental Generalist: Shay Lynn M. Harrison File: 11-SD-5  
Phone: 619-688-0190 KP: R45.75/R89.15 (PM R28.4/R55.4)  
Date: May 2013 EA: 235800

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
Geotechnical Investigations		Design Engineer / Geologist	Design						
Design Kick Off		Project Management / Design Engineer / Environmental Staff	Design						
Environmental PS&E Review Meeting		Project Management / Environmental Staff	Design						
Pre-Construction Meeting		Project Management / Resident Engineer	Pre-construction						
Pre-Job Meeting		Project Management / Resident Engineer	Construction						
Mid Construction Meeting		Project Management / Resident Engineer	Construction						
Design Features Memorandum		Project Management / Resident Engineer	Post-construction						
Environmental Compliance Review		Project Management / Resident Engineer / Environmental Staff	Construction						
Permits and Approvals									
U.S. Fish and Wildlife Service									
Endangered Species Act Section 7 Consultation – Threatened and Endangered Species		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction						





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U.S. Army Corps of Engineers									
Clean Water Act Section 404 Individual Permit		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction						
Marine Protection Research and Sanctuaries Act Section 103 Permit		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction						
Rivers and Harbors Act Section 408 Permit		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction						
California Department of Fish and Wildlife									
Section 1602 Streambed Alteration Agreement		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction						
Regional Water Quality Control Board									
Clean Water Act Section 401 Certification		Resident Engineer / Construction / Environmental / Qualified Biologist	Pre-construction (NPDES)						
California Coastal Commission									
Coastal Zone Management Act Federal Consistency Determination		Environmental	Pre-construction (PWP / TREP)						
Coastal Development Permits		Resident Engineer / Construction / Environmental	Pre-construction						
Other Applicable Permits									
Comply with project permits		DesignEngineer / Environmental	Pre-construction / Construction						
Farmlands / Agricultural Lands / Coastal Zone Impacts									
Temporary impacts to agricultural resources due to construction / assembly and construction staging areas, including temporary conversion of important agricultural lands or other temporary disruption of agricultural activities, would be addressed by returning any affected area to pre-existing agricultural use after project construction is completed.	Section 3.3.4	Design Engineer / Resident Engineer	Design / Construction						
Permanent impacts to active coastal agricultural land within the City of Encinitas and City of Carlsbad would be addressed on a site-specific basis, utilizing a tiered	Section 3.3.4	Project Management (Note: This could	Design / ROW Acquisition / Construction						



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<p>approach. The first tier would be for implementation of in-kind, project-specific action located within the affected jurisdiction, and could include specific activities such as implementation of school or community gardens. Should a project within the affected jurisdiction not be feasible, the second tier would be implemented, which includes payment of an Agricultural Resource Impact Mitigation Fee, pursuant to an approved in-lieu fee program. The fee should be based on net acreage of affected coastal agricultural lands and should reflect the approximate cost of preserving coastal agricultural lands elsewhere in the North Coast Corridor Coastal Zone. Fees would be handled by the affected jurisdiction, and expended in the following order of priority:</p> <ul style="list-style-type: none"><li>• Purchase of agricultural lands and/or agricultural improvements that would aid in continuing agricultural production within the North Coast Corridor Coastal Zone.</li><li>• Committing to specific activities that support “urban agriculture,” such as farm to school programs, farm to fork restaurants, buy local, farm to grocery stores, vertical farming, farmers markets, innovative approaches to "urban agriculture" that help to create a demonstration project, re-tooling existing agricultural operations to allow for vertical farming, innovative approaches to farming, or substantial reduction in water usage, and/or endowments to programs of study in agricultural sciences in the North Coast Corridor Coastal Zone.</li><li>• If determined feasible and desirable by the County of San Diego, coordinating with the County to establish a fund to offset loss of Williamson Act subvention funds from the State for 2009/2010.</li></ul>		<i>require high-level coordination and funding / land purchase commitments)</i>							
<p>Construction staging and phasing plans should be prepared and submitted with each notice of impending development (NOID) for all project-related transportation improvement and associated community enhancement projects and should include information that specifies and quantifies any coastal agricultural resource areas that may be impacted by temporary project construction activities. Analysis of temporary impacts from construction activities should be conducted for each NOID submittal in order to determine any loss of income or coastal agricultural production incurred as a result of the proposed construction activities, and appropriate action / compensation should be applied in the event that impacts are identified.</p>	Section 3.3.4	Design Engineer / Resident Engineer	Design / Construction						



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Plans for habitat restoration on properties supporting existing coastal agricultural uses should be prepared and submitted with the applicable NOID for restoration activities, and should include information that specifies and quantifies any important coastal agricultural resource areas that may be impacted by restoration activities.	Section 3.3.4	Qualified Environmental Staff	Design						
An economic feasibility study should be conducted for any proposed specific project that would result in permanent impacts to coastal agricultural resources in order to determine whether or not continued coastal agricultural production would be possible after the project-related impacts have occurred.	Section 3.3.4	Qualified Environmental Staff	Design						
<b>Community Impacts</b>									
Landscape and streetscape improvements would be provided in affected areas, where possible, and would be consistent with the visual atmosphere, historic architecture, and native vegetation in the area.	Section 3.4.1.4	Design Engineer / Landscape Architect	Design						
Reconfiguration of interchanges, overcrossings and undercrossings along the project corridor would improve pedestrian and bicycle facilities, provide linkages, and allow for improvements to public transit. Project features would serve to improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway.	Section 3.4.1.4	Design Engineer	Design						
A Traffic Management Plan (TMP) would be prepared to minimize traffic delays and closures through the use of various traffic handling practices (see Traffic measures.)	Section 3.4.1.4	Traffic Engineer	Design						
A public awareness program would be developed to inform the public of upcoming detours and construction schedules (see Traffic measures.)	Section 3.4.1.4	Public Information Officer / Resident Engineer	Pre-construction / Construction						
Traffic impacts around schools would be noted in the TMP.	Section 3.4.1.4	Traffic Engineer	Design						
Equipment would have sound-control devices to minimize noise, and other specifications to turn off idling equipment and installing temporary acoustic barriers around stationary construction noise sources would be implemented.	Section 3.4.1.4	Resident Engineer	Construction						
Construction equipment and truck staging and maintenance areas would be located as far as feasible and nominally downwind of schools, active recreation areas, and other communities of high-population density.	Section 3.4.1.4	Design Engineer / Resident Engineer	Design / Construction						
In the event any hazardous materials are located within the vicinity of any Oceanside Unified School District school, including but not limited to the Oceanside High School, Caltrans would immediately notify the District and provide an explanation of the remediation measures to address the discovery of any hazardous materials during the construction of the project.	Section 3.4.1.4	Resident Engineer	Construction						

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The project would implement Caltrans' Standard Specifications related to temporary dust and emissions, as well as noise control.	Section 3.4.1.4	Resident Engineer	Construction						
<b>Relocations</b>									
Provide relocation assistance to eligible residents in compliance with Caltrans' Relocation Assistance Program. Displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or Last Resort Housing (LRH) Program options, including LRH payments.	Section 3.4.2.4	Project Management / ROW Acquisition	ROW Acquisition						
<b>Utilities and Emergency Services</b>									
The Construction Zone Enhancement Enforcement Program (COZEEP) involves the presence of CHP to improve project safety by encouraging motorists to slow down and use care while driving through construction zones.	Section 3.5.3	Resident Engineer	Construction						
The Freeway Service Patrol program, a cooperative effort between Caltrans, SANDAG and the CHP to alleviate incident-related traffic congestion by operating tow services to aid stranded or disabled vehicles on urban freeways during morning and afternoon commuter periods, would be utilized.	Section 3.5.3	Resident Engineer	Construction						
A TMP would be developed to include various strategies to minimize delay during construction (see Traffic measures.)	Section 3.5.3	Traffic Engineer	Design						
Emergency providers and law enforcement officials would be informed of all detours to avoid or minimize increases in response times.	Section 3.5.3	Public Information Officer / Resident Engineer	Construction						
All applicable regulations regarding solid waste would be complied with as related to construction.	Section 3.5.3	Resident Engineer	Construction						
Coordination with the appropriate utility owners would occur during final design and construction to finalize relocation efforts.	Section 3.5.3	Design Engineer / Resident Engineer	Design / Construction						
Impacts to resources would be avoided when utilities are relocated, and Environmentally Sensitive Areas (ESAs) would be delineated when working near sensitive areas to prevent construction activities from impacting resources.	Section 3.5.3	Design Engineer / Biologist / Resident Engineer	Design / Construction						
<b>Traffic &amp; Transportation / Pedestrian &amp; Bicycle Facilities</b>									
Construction would be phased to minimize traffic delays.	Section 3.6.4.1	Design Engineer / Traffic Engineer / Resident Engineer	Design / Construction						
A comprehensive TMP to minimize traffic delays and closures through the use of various traffic handling practices during construction would be developed after selection of a preferred alternative but prior to the start of construction. Traffic delays would be controlled to the	Section 3.4.1.4, Section 3.5.3, and Section 3.6.4.1	Traffic Engineer / Design Engineer / Public Information Officer / Resident Engineer	Design / Construction						



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<p>extent feasible during periods of many simultaneous construction operations. The TMP is designed to increase driver awareness, ease congestion, and minimize delay during construction. Many TMP components would be implemented prior to construction and could continue after construction with local funding. The components of the TMP would be:</p> <p><u>Public Awareness Program</u>: Strategies that would be considered to increase public awareness may include one or more of the following items:</p> <ul style="list-style-type: none"><li>• Mailings – construction bulletins, newsletters, public notices</li><li>• Speakers bureau</li><li>• Public service announcements: radio, television, and newspapers</li><li>• Paid advertising</li><li>• Signs along roadway: changeable message signs</li><li>• Telephone information line, hotline, “800” number</li><li>• Updates to local businesses</li><li>• Webpage</li></ul> <p><u>Traffic Operations Strategies Program</u>: This would include ongoing evaluation of traffic operations and would provide for incident response during construction. Strategies that would be considered may include one or more of the following items:</p> <ul style="list-style-type: none"><li>• TMP evaluation and adjustment</li><li>• Alternate route strategies</li><li>• Construction strategies, including lane closure charts for closing lanes, ramps, and connectors</li><li>• Delay clauses for the late re-opening of lane closures</li><li>• Temporary signal location</li><li>• CHP enforcement of construction zone speed limits during lane closures</li><li>• Freeway Service Patrol</li><li>• Demand Management strategies, including improvement to HOV/Managed Lanes and public transit</li></ul>									
<p>The TMP would include components for pedestrians and bicyclists along with consideration for the motoring public. As well as the items listed for the motoring public, signs would be used, as appropriate, to provide notices of bike and pedestrian closures, detours and other pertinent information. Temporary access would be provided where possible.</p>	Section 3.6.4.2	Traffic Engineer / Design Engineer / Resident Engineer	Design / Construction						

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<b>Visual Aesthetics</b>									
Visual mitigation would consist of adhering to design requirements in consultation with the District 11 DLA and following the Design Guidelines: I-5 NCC Project.	Section 3.7.4	Design Engineer / Landscape Architect	Design						
During project design and construction, the DLA will analyze the visual effects of specific project features, synthesize applicable mitigation measures from this document and the Design Guidelines: I-5 NCC Project, apply those requirements to actual design features in specific locations, and submit proposals to the project design team. The team and DLA will then develop design solutions considered to be reasonable visible mitigation solutions that achieve team consensus, and can in turn be implemented. The DLA also will provide technical assistance during construction and perform mitigation monitoring of all visual mitigation requirements.	Section 3.7.4	Design Engineer / Landscape Architect / Resident Engineer	Design / Construction						
Caltrans will consult with the property owners and/or officials with jurisdiction over recreational areas during project design for potential aesthetic options, as applicable. During the design process, shareholder interaction will continue, guidelines will become more and more specific, locally oriented design details will be added, and a design palette of specific features and products will be developed.	Section 3.7.4	Design Engineer / Landscape Architect / Resident Engineer	Design / Construction						
Mitigation measures that require regular maintenance and are located outside Caltrans right-of-way, such as trees planted along local streets, or measures that require the installation of non-standard equipment within the right-of-way such as pedestrian bridge lighting, can be implemented only if the responsible local government would be willing to maintain them in perpetuity.	Section 3.7.4	Project Management	Design						
<p>The visual mitigation consists of adhering to the following design requirements. The requirements listed below are arraigned by project feature and include required options in order of effectiveness. One or more of these options would be implemented on applicable project features.</p> <p><b>SOUNDWALLS</b></p> <ul style="list-style-type: none"><li>• Wherever possible, noise barriers should consist of landscaped berms.</li><li>• A retaining wall may be used to avoid constructing a soundwall on top of a berm. This may result in a barrier with a lower profile than a noise berm / wall combination due to the berm's superior sound attenuation qualities.</li><li>• In situations where a tall retaining wall at the toe of slope would create a visual impact to an adjacent property, a berm with a 1:2 slope on the freeway</li></ul>	Section 3.7.4	Design Engineer / Landscape Architect	Design						

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<p>side that is 6 ft high (minimum) and screening shrubs would be used. This size berm should allow enough space to provide screening shrubs in front of the wall.</p> <ul style="list-style-type: none"><li>• In areas too narrow to place a planting pocket, the soundwall would be recessed behind the face of barrier at a sufficient distance to allow architectural features to be included on the face of the soundwall. Placing a soundwall directly on top of a concrete barrier should be avoided if at all possible.</li><li>• Whenever possible, soundwalls would incorporate planting on both sides. In some cases, retaining walls and/or a concrete barrier at the edge of the shoulder may be needed to provide the required planting space.</li><li>• In some areas, the use of setbacks and return sections in wall layouts would be used.</li><li>• In cases where the right-of-way is narrow, a minimum 5-ft wide planting area would be provided between the back of the barrier and the face of the soundwall.</li><li>• In areas where space for architectural detailing does not exist, vertical concrete safety barriers would be considered. Vertical barriers add 12 in of additional width in which architectural elements such as pilasters and wall caps can be included.</li><li>• In situations where noise receptors are located above the elevation of the freeway, transparent soundwalls located at the top of slope on the right-of-way line or on private property would be used if the benefited property owner agrees to maintain wall surfaces. Locating walls at higher elevations nearer receptors substantially reduces the height of walls to achieve “line of sight” noise reductions.</li><li>• If possible, translucent materials would be placed on top of soundwalls to reduce their apparent height and create a greater sense of openness. Translucent materials should be placed above areas of potential vehicle impact, out of easy reach, and should consist of vandal-resistant materials.</li></ul>									
<p>ARCHITECTURAL DETAILING</p> <ul style="list-style-type: none"><li>• Soundwalls would be designed to be visually compatible with the surrounding community. Architectural detailing such as pilasters, wall caps, interesting block patterns, and offset wall layouts would be used to add visual interest and reduce the apparent height of the walls. Poured-in-place</li></ul>	Section 3.7.4	Design Engineer / Landscape Architect	Design						

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integrally colored concrete construction techniques would be encouraged where visual consistency with retaining walls is desired. Enhanced surface materials such as mosaic tile and weathering steel would also be used where appropriate.									
<div>RETAINING WALLS<ul style="list-style-type: none"><li>Retaining walls that follow the contours of the topography and maintain a constant elevation at the top of wall would be used where appropriate. Wall layouts and profiles should be composed of long radius curves, with no tangents or points of intersection. Wall faces should be battered at a 1:6 horizontal / vertical ratio. Walls should be located at mid-slope. This type of wall is visually compatible with surrounding terrain and provides room at the base for a slope that contains landscape screening.</li><li>Where appropriate, retaining walls over 19.7 ft in height would be divided into separate structures sufficiently offset from one another to create a planting area between the two.</li><li>Whenever possible, retaining walls would be located at mid slope in cut sections to provide a buffer area for landscape screening between the wall and the freeway.</li><li>Wherever possible, retaining walls would be located at the top of slope in fill sections to provide a buffer area for landscape screening between the wall and the community.</li><li>In areas where insufficient space exists to include planting buffers between freeway retaining walls and adjacent community features such as frontage roads, the use of viaduct retaining walls would be considered. Viaduct retaining walls would cantilever the roadway to form a wall recess in which spatial articulation and planting can occur.</li><li>In areas where retaining walls must be placed close to the traveled way, space would be reserved between the wall and the safety barrier to include a 5-ft wide planting pocket.</li><li>In areas too narrow to place a planting pocket, the retaining wall would be recessed behind the face of barrier at a sufficient distance to allow architectural features to be included on the face of the retaining wall.</li><li>In areas where space for architectural detailing does not exist, vertical concrete safety barriers</li></ul></div>	Section 3.7.4	Design Engineer / Landscape Architect	Design						





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<p>would be considered. Vertical barriers add 12 in of additional width in which architectural elements such as mechanically stabilized earth wall panel relief, pilasters, and wall caps can be included.</p> <ul style="list-style-type: none"><li>• Wall faces would be battered at a 1:6 maximum horizontal / vertical ratio wherever possible to reduce the apparent scale of the wall and give the wall a more natural appearance. The batter also can serve as a barrier safety shape where the base of wall exhibits a smooth surface facing traffic.</li><li>• Alternatives to standard cable rail barrier would be used to complement enhanced wall designs. Options would include integral solid concrete parapets or alternative metal materials. Design details are contained in the Design Guidelines: I-5 NCC Project.</li><li>• Architectural features, textures, and integral concrete colors would be used to mitigate the appearance of retaining wall surfaces. Walls would incorporate architectural features such as pilasters and caps to provide shadow lines, provide relief from monolithic appearance, and reduce their apparent scale. Enhanced surface materials such as mosaic tile and weathering steel would also be used where appropriate to meet community design goals. Design details are contained in the Design Guidelines: I-5 NCC Project.</li><li>• Mechanically stabilized earth (MSE) walls can have custom designed panels that include integral color and enhanced surface texture, and a minimum 4-in reveal on each panel. Placement of landscaped slopes, soundwalls, barriers, drainage conveyances, and other roadway features can require special design.</li><li>• Low profile (e.g., Caltrans Type 60S) or see-through (e.g., Caltrans Type 80) safety barriers would be used if at all possible in areas where standard height barriers would diminish views of scenic resources from the freeway.</li></ul>									
<p>OVERCROSSING, UNDERCROSSING, BRIDGE, AND DAR STRUCTURES</p> <ul style="list-style-type: none"><li>• Bridge type selection and all other structure design should be consistent with the design themes contained in the Design Guidelines: I-5 NCC Project. Some mitigation features may be new or non-standard and require approvals or design exceptions.</li></ul>	Section 3.7.4	Design Engineer / Landscape Architect	Design						



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<ul style="list-style-type: none"><li>• Wherever possible, abutments would be short seat abutments placed at the top of slopes. The visual mass of abutments would be minimized as much as possible. High cantilever abutments would be used in locations where space does not exist for short seat abutments at the top of a slope.</li><li>• At each overcrossing, bridge abutments would be of the same type to produce a symmetrical appearance. Where overcrossing structures are replaced, high cantilever abutments would be used in lieu of secondary tie-back walls. Temporary tie back walls would be terrain-contoured walls and would receive architectural features consistent with permanent walls in the viewshed. Temporary tie-back walls would be removed when overcrossing structures are reconstructed.</li><li>• In locations where retaining walls must be incorporated into abutments, they would be designed as terrain-contoured walls if possible, and located away from the edge of shoulder to allow space for a planted buffer at their base.</li><li>• Slope paving would be enhanced with integral concrete color, texture, and deeply textured facing materials such as veneer block or natural rock.</li><li>• Bridge signage would be designed to visually integrate with bridge architecture. Concrete sign pedestals would be consistent in appearance with bridge design themes.</li><li>• Sidewalks would be provided on both sides of each overcrossing. They would have a 6-ft minimum width on a two-lane structure with a curb-to-curb width of 32 ft or less. On wider streets, both sidewalks would be a minimum of 10 ft in width. Sidewalk widths would be selected based on SANDAG regional guidelines (<i>Planning and Designing for Pedestrians</i>, June 2002) and local pedestrian design guidelines. Where possible, sidewalks would receive score patterns, surface texture, and/or integral color.</li><li>• Wherever possible, low profile barrier separations between pedestrian and vehicular traffic would be provided on overcrossings where Caltrans policy prohibits or restricts architectural features and pedestrian amenities on or near concrete bridge rails. Sidewalks in these locations would be a minimum of 10 ft in width.</li></ul>									



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<ul style="list-style-type: none"><li>• Pedestrian lighting, enhanced fencing and railings, and other urban amenities would be provided on each overcrossing whenever feasible. Local agency streetscape design guidelines would be continued within Caltrans right-of-way at each overcrossing and interchange whenever feasible. Container trees located on structures would also be provided in locations where the responsible local agency has requested them and agreed to maintain them in perpetuity.</li><li>• Where possible, bicycle shoulders, lanes, or paths would be provided on both sides of each overcrossing. A minimum shoulder width of four ft would be provided for Class III facilities.</li><li>• Bridge abutments should be of the same type on all four quadrants to give widened undercrossings a symmetrical appearance.</li><li>• Bridge widening should be done using box girder construction wherever possible. Girders should be similar in appearance on both sides of the bridge to produce a symmetrical appearance.</li><li>• In locations where street widening occurs, tie-back walls should be terrain-contoured walls, and receive architectural features consistent with those required for retaining walls and with community values and goals.</li><li>• Pedestrian sidewalks 10 ft in width (minimum) should be provided at undercrossings on both sides of the street wherever possible. In all cases, existing sidewalk configurations on local streets would be continued across Caltrans right-of-way.</li><li>• Bicycle shoulders, lanes, or paths should be provided at each undercrossing. The type of facility would consider regional and local planning goals. A minimum shoulder width of 4 ft should be provided for Class III facilities.</li><li>• Enhanced pedestrian lighting including bridge soffit lighting should be provided at each undercrossing.</li><li>• Slope paving at undercrossings should be enhanced with deeply textured facing materials such as scored veneer block or natural rock to add visual interest and deter graffiti.</li><li>• Mitigation measures listed for overcrossing and undercrossing structure symmetry, abutment design, tie-back walls, slope paving, sidewalks, bicycle routes, and streetscape features would also</li></ul>									



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<div>apply to freeway bridges as appropriate.</div> <div><ul style="list-style-type: none"><li>• See-through bridge rails such as Caltrans Type 80 rail should be used on freeway bridges with views to ocean, rivers, lagoons, or other scenic resources, unless noise abatement is necessary.</li><li>• Pedestrian overcrossings should be a minimum of 15 ft in width.</li><li>• Pedestrian lighting, enhanced fencing, railings, architectural features, and other urban amenities should be provided on each pedestrian overcrossing. Existing streetscape elements and design themes would be continued within Caltrans right-of-way.</li><li>• DAR retaining walls should have a 15-ft maximum height, allowing approximately 10 ft of minimum vertical clearance under the connecting ramp structure.</li><li>• Pedestrian and bicycle traffic on existing overcrossings to be converted to DAR overcrossings should be routed to a separate pedestrian overcrossing structure in the immediate vicinity, if possible.</li><li>• On structures where pedestrians are present, sidewalks should be 15 ft in width on each side. Bridge barriers, fences, and sidewalks should be designed to provide standard stopping sight distance at DAR termini to enable pedestrians to be visible to drivers. Barrier separations between pedestrian and vehicular traffic should be provided if Caltrans policy requires bridge barriers to adhere to freeway crash standards.</li><li>• Bicycle shoulders, lanes, or paths should be provided on both sides of each DAR overcrossing open to non-vehicular traffic. The type of facility would consider regional and local planning goals. A minimum shoulder width of 4 ft should be provided for Class III facilities.</li><li>• Pedestrian lighting, enhanced fencing and railings and other urban amenities should be provided on each DAR local street overcrossing and be consistent with local values and goals. Existing streetscape elements and design themes should be continued within Caltrans right-of-way at each DAR overcrossing. Local streetscape guidelines should be followed. Enhancements or enhancement features such as decorative lighting and street</li></ul></div>									



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furniture would be incorporated if local agencies accept permanent maintenance responsibility. Container trees located on structures should also be provided in locations where the responsible local agency has requested them and agreed to maintain them in perpetuity.									
<p><b>FREEWAY INTERCHANGES</b></p> <ul style="list-style-type: none"><li>Continuity of street and pedestrian facilities should be maximized wherever possible by converting existing non-stop freeway ramp entries and exits to ramp termini placed perpendicular to the street. The use of roundabouts should also be considered to create a more balanced relationship between interchange and community by decreasing required roadway width.</li><li>Establishment of a continuous pedestrian realm on both sides of local streets as they pass through the interchange should be accomplished by utilizing design features such as street trees, pedestrian lighting, landscaped parkways located between sidewalk and curb, enhanced sidewalk paving that continues across freeway ramps, and islands of refuge in street and ramp medians. Pedestrian and transit facilities should conform to SANDAG Pedestrian Design Guidelines and any applicable local streetscape design standards and guidelines. Urban design features such as benches, bollards (short posts to divert or exclude automobiles), directional signage, and trash receptacles should also be included as appropriate. Specific guidelines and/or specific interchange streetscape plans were developed as part of Design Guidelines: I-5 NCC Project.</li><li>Bicycle facilities should be preserved or upgraded to conform to the San Diego Regional Bike Plan, applicable local standards, and General Plan circulation element goals.</li><li>Interchange landscaping should reflect the visual character and goals of its locality. Enhanced interchange landscaping should be considered in cases where the responsible local agency would provide maintenance in perpetuity. Entry features should be included as transitional visual elements into local communities where appropriate. Traditional decorative entry signage with text should not be used. Specific interchange landscape</li></ul>	Section 3.7.4	Design Engineer / Landscape Architect	Design						



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<p>themes may be developed as part of the Design Guidelines: I-5 NCC Project.</p> <ul style="list-style-type: none"><li>• Detention basins located at freeway interchanges or in areas of high visibility should incorporate the following design features. Basins would be located at least 10 ft from clear recovery areas whenever possible to allow landscape screening to be installed. Basins should appear to be natural landscape features such as dry streambeds or riparian areas. Where possible they should be shaped in an informal, curvilinear manner, incorporate slope rounding, variable gradients, and be similar to the surrounding topography to deemphasize a defined outer edge. Maintenance access drives should be located in unobtrusive areas away from local streets and would consist of inert materials or herbaceous groundcover that is visually compatible with the surrounding landscape. All visible concrete structures and surfaces should be of special design and adhere to the Design Guidelines: I-5 NCC Project. Rock slope protection would consider use of aesthetically pleasing whole material of various sizes. Standpipes and other vertical appurtenances should be placed in unobtrusive locations and be painted an unobtrusive color. Where possible, bio-swales should be located in non-obtrusive areas, be designed to appear as natural features, and incorporate applicable mitigation measures listed above for detention basins.</li><li>• The use of Caltrans standard freeway appurtenances on local streets should be avoided or minimized wherever possible. Crash cushions, metal beam guardrail, end anchor assemblies, concrete barriers, sign standards, light standards, signal standards, and chain-link fencing are examples of such features that are addressed in the Design Guidelines: I-5 NCC Project. The use of access control fencing at interchanges should be minimized and located in unobtrusive locations when its use is necessary. Electrical control cabinets and other utility boxes should be located in unobtrusive locations away from sidewalks wherever possible. Raised medians should be used wherever possible to allow for pedestrian islands of refuge, create a visual break in the ground plane, and provide space for street tree planting.</li></ul>									



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MANCHESTER AVENUE TRANSIT CENTER Site amenities for transit users should be provided; such as covered bus shelters, pedestrian lighting, benches, litter receptacles, tree grates, bollards, and bicycle racks. Landscaping and enhanced pedestrian paving would be an integral part of the station features. A sidewalk 10 ft in width should be provided along the west side of the transit center access road from the bus platform to Manchester Avenue. It should be located 6 ft from the back of curb to create a landscaped parkway.	Section 3.7.4	Design Engineer / Landscape Architect	Design						
<b>FREEWAY LANDSCAPE</b> <ul style="list-style-type: none"><li>The Design Guidelines: I-5 NCC Project contain a landscape concept plan for the project. In general, freeway landscaping would utilize California native plants. The landscape design would be consistent with the character of adjacent community landscape. In communities that are characterized by ornamental landscaping, freeway landscaping would include native plants with an ornamental appearance in an enhanced design. Trees, shrubs, and groundcover would be installed. In less-developed areas of the corridor, drought-tolerant native trees and shrubs would be planted in an informal design. Areas adjacent to native habitat would receive native plantings and hydroseed. Landscape plantings adjacent to habitat would be designed in consultation with the District Biologist. Landscaped areas would be irrigated with an underground automatic system. Reclaimed water would be used wherever possible. A thorough weed abatement/exotic removal program would be implemented prior to hydroseeding and continue through plant establishment.</li><li>All landscaped areas will have underground automatic sprinkler systems.</li><li>Since the project would result in the loss of a majority of existing landscaped roadside areas, steps should be taken to create new areas for mitigation replacement planting within the freeway facility at the edge of shoulder, between concrete median and separator barriers, or between barriers and walls wherever the available width allows. Minimum widths for planting are 2 ft between barrier and wall, and 6 ft between median or separator barriers. Where possible, safety barriers at the edge of shoulder should facilitate tree and shrub planting in roadside areas that are too narrow to allow standard clear recovery area planting setbacks to be used.</li></ul>	Section 3.7.4	Design Engineer / Landscape Architect / Biologist	Design						



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<ul style="list-style-type: none"><li>Existing median oleanders would be preserved wherever possible. Since freeway widening would disturb the roots of existing plants, the following measures would be implemented. A new automatic irrigation system would be installed in the median and the oleanders would be irrigated and fertilized on a regular basis before, during, and after project construction. The oleanders would be watered, fertilized, and pruned under the direction of a certified arborist prior to the commencement of median grading. The oleanders would remain in place undisturbed during construction. Existing non-vigorous oleanders would be replaced with new oleanders planted from 5-gallon containers at the direction of the Resident Engineer. Oleanders that do not survive during construction or plant establishment would be replaced using oleanders planted from containers. Existing weeds and volunteer plants within the median would be removed. A plant establishment period of one year would be provided. Following plant establishment, a mitigation monitoring period of three years would be implemented to ensure plant survival.</li><li>In locations where freeway widening brings traffic into close proximity to parallel local streets such as Ida Avenue in Solana Beach, Villa Cardiff Drive, Devonshire Drive, Orpheus Avenue, and Piraeus Street in Encinitas; Avenida Encinas in Carlsbad; and Brooks Street, Garfield Street, and Buena Street in Oceanside, landscape buffers would be created between the freeway and street. Buffers would include elements such as street trees and shrubs, sidewalks, and solid screen walls for access control. Inclusion of some buffers may require local street widths to be adjusted. Implementation of this mitigation measure is contingent on local agency approval and commitment to maintain the streetscape buffer in perpetuity.</li><li>Slopes would be graded 1:2 or flatter (vertical / horizontal) to support planting and irrigation. Steeper slopes may be possible if they are serrated and contain benches wide enough to accept plants from #15 containers. Grading should utilize techniques such as slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography.</li><li>Implement signage, lighting, and miscellaneous</li></ul>									





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<p>freeway feature mitigation designs as detailed in the Design Guidelines: I-5 NCC Project.</p> <ul style="list-style-type: none"><li>• Lighting and signage pedestals on structures should be placed at pilasters or be incorporated in other architectural features, where possible.</li><li>• Freeway lighting and signage should conform to the Design Guidelines: I-5 NCC Project, including directing lighting away from sensitive habitats and reducing glare.</li><li>• Concrete lighting and signage pedestals should be designed in such a way that vertical barrier transitions are not required.</li><li>• Electrical and signal equipment at ramp termini should be placed in visually unobtrusive locations.</li><li>• Median barriers would receive integral concrete color and the application of a heavy sandblast texture to barrier surfaces visible from the freeway. Heavy sandblast texture would create an irregular surface relief to a depth of 3/8 in.</li><li>• Narrow landscape areas beyond the gore would be paved for worker safety. Paving would incorporate a tan color and rough surface texture consistent with corridor design themes. Concrete vegetation control would be a tan color.</li><li>• Signage with movable elements or self-illuminated features such as changeable message signs would be excluded from viewsheds containing scenic resources if at all possible. The DLA would assist in the placement of all such signage.</li><li>• Access control fencing would be placed in visually unobtrusive locations of interchanges and bridges where possible. It is recommended that it be of special design and consist of enhanced materials where appropriate and maintained by the responsible local agency in perpetuity.</li><li>• Where possible, retaining walls and soundwalls near right-of-way boundaries would be designed in such a way that access control fencing would not be needed. The “dead” spaces that occur between walls and fences would be avoided if at all possible.</li><li>• Concrete interceptor ditches would not be placed adjacent to residential property, at interchanges, or adjacent to pedestrian use areas if at all possible. Alternatives such as subterranean drainage placed below finish grade or planted geo-reinforced drainage surfaces would be used.</li><li>• Detention basins located in areas visible to the</li></ul>									



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<p>public would incorporate the same mitigation features required for basins located at interchanges.</p> <ul style="list-style-type: none"><li>• Bio-swales and linear drainage ditches would be designed to appear as natural features and incorporate applicable mitigation measures listed above for detention basins.</li><li>• Concrete drainage devices located in areas of high visibility would be located, designed, and colored to be unobtrusive in appearance.</li><li>• Soft surface or segmented hard surface plantable alternatives to concrete ditches and rock slope protection would be utilized in all project areas visible to the public, where possible.</li><li>• The use of pervious concrete for storm water pollution prevention would be considered. Project features such as interceptor ditches, inlet aprons, gutters, maintenance access roads, maintenance vehicle pullouts, and parking lots could consist of pervious concrete and perhaps reduce the project footprint.</li><li>• Real estate parcels in whole or in portion that are purchased for freeway widening but not required for use as permanent State right-of-way would be considered as potential opportunities for community pocket parks or public open space. This would be considered at the request of the responsible local agency and relinquished to them to maintain in perpetuity.</li><li>• Existing overhead utilities that are located near the freeway and requiring relocation due to freeway widening would be relocated underground where possible.</li></ul>									
<b>Cultural Resources</b>									
Caltrans will undertake efforts to avoid causing impacts to archaeological sites. Prior to construction, a Cultural Resources Treatment Plan will be developed. This plan will include an Archaeological Monitoring Area (AMA) Action Plan and an ESA Action Plan. Combined, these plans would delineate AMA and ESA locations where a “qualified” archaeological monitor and a Native American monitor will be present during construction, identify the individuals involved, and their roles and responsibilities.	Section 3.8.4	Cultural	Pre Construction						
AMA and ESAs will be depicted on the design / construction plans. A letter will be sent to the Resident Engineer’s file, along with a copy of the AMA and ESA Action Plan. The archaeologist and Native American monitor would be present at the pre-construction meeting.	Section 3.8.4	Design / Cultural / Construction	Pre Construction						

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The archaeologist and Native American monitor will work with Caltrans Construction Liaison to accurately delineate the boundaries of those sites requiring the establishment of ESAs. Fencing will be placed around ESA sites, as appropriate. ESA sites will be avoided by all construction activity.	Section 3.8.4	Cultural / Environmental Stewardship	Pre Construction / Construction						
A “qualified” archaeological monitor and a Native American monitor will be present at AMA and ESA locations during construction activities.	Section 3.8.4	Cultural / Construction	Construction						
The construction contract will contain language related to unanticipated discoveries should they be made during construction, including diverting activities away from such finds until an archaeologist could assess their nature and significance. If unanticipated discoveries occur, Section 106 consultation with the SHPO would be reopened, if appropriate. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area would be diverted until a qualified archaeologist can assess the nature and significance of the find.	Section 3.8.4	Design / Cultural / Construction	Construction						
If unanticipated human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities would cease in any area or nearby area suspected to overlie remains, and the County Coroner would be contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the Coroner would notify the Native American Heritage Commission (NAHC), who would then notify the Most Likely Descendant (MLD). At the same time, the person who discovered the remains would contact the District 11 Chief of the Environmental Resources Branch so that they could work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 would be followed, as applicable.	Section 3.8.4	Design / Cultural / Construction	Construction						
<b>Hydrology and Water Quality</b>									
The structures over Los Peñasquitos Creek would be designed to entirely span the floodplain.	Section 3.9.4	Design Engineer	Design						
The replacement of the Sorrento Valley Road Culvert would remove an existing constriction point in Carmel Valley Creek and lower the base floodplain.	Section 3.9.4	Design Engineer	Design						
The replacement of the Batiquitos Lagoon Bridge would reduce an existing constriction point in the lagoon and lower the base floodplain.	Section 3.9.4	Design Engineer	Design						
Standard engineering practices would be used, where feasible, to facilitate drainage.	Section 3.9.4	Design Engineer	Design						
The area affected by construction would be limited through utilization of barriers or fences to protect sensitive areas.	Section 3.9.4	Design Engineer / Resident Engineer	Design / Construction						

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ESAs would be designed to demarcate and protect floodplain habitats.	Section 3.9.4	Design Engineer / Resident Engineer	Design / Construction						
Best Management Practices (BMPs) would be implemented to control erosion and runoff and address potential water quality impacts during the planning and design, construction, and operational stages.	Sections 3.9.4 and 3.10.4	Design Engineer / Resident Engineer	Design / Construction						
Caltrans would implement a program, defined by the Statewide Storm Water Management Plan (SWMP), to reduce the discharge of pollutants to the storm water drainage systems that serve the highway and highway-related properties, facilities, and activities.	Section 3.10.4	Design Engineer / Resident Engineer	Design / Construction						
Complete a Storm Water Data Report (SWDR), which summarizes the storm water decisions made by the Project Development Team, at the beginning of the project and update the SWDR as the project progresses through design. In the final SWDR, include exhibits showing tributary drainage areas, percentages of “treatment,” water quality impairments and types of design pollution prevention, construction and maintenance BMPs that will be incorporated into the project.	Section 3.10.4	Design Engineer	Design						
<p>Short-term impacts to water quality during the construction phase would be prevented / minimized through the use of Construction Site BMPs, as required under the Construction General Permit. A combination of erosion and sediment control BMPs would be used to address both storm water and non-storm water discharges during construction. Construction Site BMPs that would be implemented as appropriate for the project cover the following categories:</p> <ul style="list-style-type: none"><li>• Temporary Soil Stabilization</li><li>• Temporary Sediment Control</li><li>• Wind Erosion Control</li><li>• Tracking Control</li><li>• Non-Storm Water Management</li><li>• Waste Management and Materials Pollution Control</li></ul> <p>More information on the various types of BMPs covered under each one of these categories is found in Caltrans Construction Site BMPs Manual.</p>	Section 3.10.4, Caltrans Construction Site BMPs Manual	Design Engineer / Resident Engineer	Design / Construction						
Long term impacts during Caltrans operation and maintenance of its facilities would be prevented / minimized through the use of Design Pollution Prevention (DPP) BMPs, Treatment BMPs, and Maintenance BMPs.	Section 3.10.4	Design Engineer / Resident Engineer	Design / Construction						
Maintenance BMPs would be ongoing for the life of the facility, and are required to be conducted in accordance with the Caltrans Storm Water Quality Handbook, Maintenance Staff Guide (Guide).	Section 3.10.4	Design Engineer / Resident Engineer / Operations	Design / Construction / Post-construction						



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The peak flow rate, runoff velocities, and erosive characteristics of the soils in the area would be assessed with regard to downstream watercourses to determine potential impacts and appropriate mitigation, if required.	Section 3.10.4	Design Engineer	Design						
The project would preserve the existing vegetation outside the work areas, stabilize slopes with vegetative cover, and keep the total paved area to a practical minimum.	Section 3.10.4	Design Engineer / Resident Engineer	Design / Construction						
DPP BMPs would be implemented to prevent downstream erosion, stabilize disturbed soil areas, and maximize vegetated surfaces consistent with Caltrans policies. The selection of the specific DPP BMPs is an iterative process that begins at the planning stages and is refined during the design phase. DPP BMPs that would be implemented as appropriate for the project include: <ul style="list-style-type: none"><li>• Consideration of Downstream Effects Related to Potentially Increased Flow</li><li>• Preservation of Existing Vegetation</li><li>• Concentrated Flow Conveyance Systems<ul style="list-style-type: none"><li>◦ Ditches, Berms, Dikes, and Swales</li><li>◦ Overside Drains</li><li>◦ Flared Culvert End Sections</li><li>◦ Outlet Protection / Velocity Dissipation Devices</li></ul></li><li>• Slope / Surface Protection Systems<ul style="list-style-type: none"><li>◦ Vegetated Surfaces</li><li>◦ Hard Surfaces</li></ul></li></ul>	Section 3.10.4	Design Engineer / Resident Engineer	Design / Construction						
Review and propose low impact development (LID) features throughout the project footprint. Final selection will be made during final design once drainage, grading and other design features are determined and used as a basis for feasibility and siting locations. Features that function as LID measures include, but are not limited to: <ul style="list-style-type: none"><li>• Surface vegetation, such as biofiltration swales and strips</li><li>• Soil amendments, such as compost and surface roughening</li><li>• Subsurface storage, such as dry-wells, infiltration trenches, or swales underlain with permeable soil layers</li><li>• Small detention areas, such as cisterns, traps, and check dams</li><li>• Pervious materials, such as paving stone and porous concrete, when used in lieu of impervious materials at locations outside the highway prism</li><li>• Disconnected drainage that relies upon overland flow rather than pipe networks to convey runoff to discharge locations</li></ul>	Section 3.10.4	Design Engineer	Design						

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<ul style="list-style-type: none"><li>Contour grading, grading that follows natural flow paths and terrain with an emphasis upon slope rounding and gradual elevation changes.</li></ul>									
In conformance with the recently adopted statewide permit (Order 2012-0011-DWQ effective date of July 1, 2013), conduct a risk-based approach to ensure the project would not cause a decrease in lateral (bank) and vertical (channel bed) stability in receiving stream channels. Assess pre-project channel stability and implement mitigation measures that are appropriate to protect structures and minimize stream channel bank and bed erosion. Include discussion of hydromodification as well as LID and other BMPs in the SWDR.	Section 3.10.4	Design Engineer	Design						
Treatment BMPs are required under the SWMP to prevent or minimize the long-term potential impacts from Caltrans facilities or activities. The following approved treatment BMPs are considered to be technically and fiscally feasible for all of the build alternatives: <ul style="list-style-type: none"><li>Biofiltration Systems</li><li>Infiltration Devices</li><li>Detention Devices</li><li>Dry Weather Flow Diversions</li><li>Gross Solid Removal Devices</li><li>Multi-Chambered Treatment Train</li><li>Wet Basin</li><li>Traction Sand Traps</li><li>Media Filters</li></ul>	Section 3.10.4								
Preliminary locations of some of the treatment BMPs are shown on the Project Features Maps ( <i>Figures 2-3.3, Sheets 1 through 68</i> ). If the proposed project proceeds to the design phase, the locations of these treatment BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints, or hydraulic capacity. In areas where treatment BMPs have been identified, but cannot be incorporated due to above mentioned reasons, the equivalent minimum would be identified and implemented. In addition, vegetation would be maximized and every effort would be made to ensure the successful establishment of landscaping and erosion control throughout the project limits. The project would also consider any future treatment BMPs that might be approved by Caltrans from the ongoing research and monitoring program.	Section 3.10.4	Design Engineer / Landscape Architect	Design						
The District Erosion Control Specialist, in coordination with the project Biologist and Landscape Architect, would determine the appropriate planting / seeding mix to ensure	Section 3.10.4	Design Engineer / Landscape Architect / Biologist	Design / Construction						

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that proposed vegetation is consistent with existing vegetation within the corridor, as well as any specific requirements by local entities.									
Minimization measures would be implemented during construction at crossings over six designated “navigable” waterways. Minimization measures at waterways can typically include, but are not limited to: flagging the perimeter of the proposed impact area to restrict access; training all contractors and construction personnel on sensitive resources, such as navigable vessel use; scheduling construction outside of breeding season(s) or conducting pre-construction surveys for presence / absence of sensitive species; restricting equipment, material storage, and staging to disturbed areas; designing the project to avoid / reduce storm water impacts where feasible, or otherwise control sediment with silt fencing, gravel bags, hay bales, and fiber rolls; controlling fugitive dust; restricting changing oil and/or refueling to designated areas; constructing velocity dissipation structures at drainage outlets; directing all lighting to the construction area during night time construction; and temporarily diverting water around the work area by use of sandbags, gravel dams, or cofferdams.	Section 3.10.4	Design Engineer / Biologist / Resident Engineer	Design / Construction						
<b>Geology / Soils / Seismic / Topography</b>									
For preliminary design purposes, soils at all the lagoons and river valleys would be assumed to be predisposed to liquefaction.	Section 3.11.4	Design Engineer	Design						
The use of large retaining structures to accommodate embankment widening over the lagoons would be avoided when possible.	Section 3.11.4	Design Engineer	Design						
Drainage for proposed improvements would be constructed in accordance with Caltrans Highway Design Manual.	Section 3.11.4	Design Engineer / Resident Engineer	Design / Construction						
Impacts to water quality would be minimized by directing surface runoff away from the top of slopes, and also by not allowing runoff to discharge over the top of slopes.	Section 3.11.4	Design Engineer / Resident Engineer	Design / Construction						
Surface water would be conveyed offside by appropriate erosion-reducing devices.	Section 3.11.4	Design Engineer / Resident Engineer	Design / Construction						
Where groundwater is present, subsurface drainage devices would be installed, if applicable.	Section 3.11.4	Design Engineer / Resident Engineer	Design / Construction						
Settlement waiting periods would be employed at all soft soil locations before establishment of the final grade.	Section 3.11.4	Resident Engineer	Construction						
Caltrans personnel would be present during project construction to observe all cuts, foundation subgrade, and embankment subgrade to assure that all appropriate provisions are enforced. If unanticipated subsurface conditions are encountered, a geotechnical representative	Section 3.11.4	Resident Engineer	Construction						

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would be notified to make additional recommendations to the Resident Engineer, who in turn would direct the contractor. Instrumentation for measuring settlement or slope distress, and periodic surveying for ground movement, would be included during construction in areas where the potential for ground movement or failure exists.									
Grading and roadway work would be performed in accordance with Caltrans Standard Plans and Specifications.	Section 3.11.4	Resident Engineer	Construction						
To avoid surface erosion, which may supply an unacceptable sediment load to the watershed, temporary slopes would not be left unprotected throughout the wet season.	Section 3.11.4	Resident Engineer	Construction						
Concentrated flows would not be allowed on slopes.	Section 3.11.4	Resident Engineer	Construction						
Appropriate construction scheduling, soil trackifiers, geosynthetic mats, and plastic sheeting are some of the techniques that may be used to avert excessive slope erosion.	Section 3.11.4	Resident Engineer	Construction						
<b>Paleontology</b>									
A qualified principal paleontologist (M.S. or Ph.D. in paleontology or geology familiar with paleontological procedures and techniques) would be retained to be present at pre-grading meetings to consult with grading and excavation contractors.	Section 3.12.4	Paleontologist	Construction						
A paleontological monitor, under the direction of the qualified principal paleontologist, would be on site to inspect cuts for fossils at all times during original grading involving sensitive geologic formations.	Section 3.12.4	Paleontological Monitor	Construction						
When fossils are discovered, the paleontologist (or paleontological monitor) would recover them. Construction work in these areas would be halted or diverted to allow recovery of fossil remains in a timely manner.	Section 3.12.4	Paleontologist / Paleontological Monitor	Construction						
Fossil remains collected during the monitoring and salvage portion of the mitigation program would be prepared, sorted, and cataloged.	Section 3.12.4	Paleontologist / Paleontological Monitor	Construction						
Once the grading plan is finalized, the types, depth, and locations of the construction activities would be analyzed to finalize the Paleontological Mitigation Monitoring Plan (PMMP), prepared by a qualified principal paleontologist.	Section 3.12.4	Design Engineer / Paleontologist	Design						
A Paleontological Mitigation Monitoring Report (PMMR) would be prepared by a qualified principal paleontologist to document the results of the mitigation program, including construction monitoring, fossil salvage laboratory preparation of salvaged specimens, curation of prepared specimens, and storage of curated specimens.	Section 3.12.4	Paleontologist	Post-construction						
Although all fossils collected remain the property of the	Section 3.12.4	Paleontologist	Post-						



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State, the collection must be properly curated at an approved facility (preferably local to the project location) and preserved for future researchers. A complete set of field notes, geologic maps, stratigraphic sections, and a copy of the final report should be curated with the fossils.			construction						
<b>Hazardous Waste / Materials</b>									
Wherever possible, the project alternatives follow the existing I-5 alignment to avoid and/or minimize impacts from hazards and hazardous materials. In particular, avoidance of the gasoline stations and soil excavation at Manchester Avenue, Birmingham Drive, Palomar Airport Road, Tamarack Avenue, and Carlsbad Village Drive would be considered.	Section 3.13.4	Design Engineer	Design						
Soil excavated from agricultural land and nurseries may require reuse or proper off-site disposal, with further testing necessary at Manchester Avenue, between Birmingham Drive and Palomar Airport Road, and at Cannon Road.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
Soils from landfills near Piraeus Street may be reused or disposed as non-hazardous material at the appropriate landfill location; however, the Maxson Street site would be avoided. Further hazardous waste investigation may be necessary on individual parcels to be acquired.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
Environmental Engineering staff would be kept informed of parcel takes and changes in scope or design since further hazardous waste investigation may be necessary on individual parcels to be acquired.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
Since there are chemical constituents present in soil and groundwater within the I-5 corridor, soil excavation activities would be performed under the guidelines of a site-specific Soil Management Plan and Health and Safety Plan.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
The Department of Toxic Substances Control (DTSC) lead variance would be followed for ADL soil excavated in the median. Soil in the median along I-5 to a depth of two ft is hazardous with regard to soluble ADL concentrations. This soil may be reused on site in accordance with a DTSC lead variance issued to Caltrans. If this criterion cannot be met, then disposal of ADL soil would be a necessary at a Class I landfill. Soil excavated as a whole along the shoulders may be reused as clean material with regard to ADL, unless soil adjacent to the shoulder is segregated from the whole. The DTSC lead variance will apply for segregated soil from the shoulder.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
A NPDES permit would be obtained, which would include measures for impacts to service stations. If soil from abutment excavations at Via de la Valle, Birmingham Drive, Brooks Street, Palomar Airport Road, Carlsbad Village	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						

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Drive, or Mission Avenue would be exported, however, the soil may require further characterization for petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds to evaluate the proper disposal method.									
Although investigation near the Olympus and Maxson Street landfills did not encounter wastes associated with the landfills, it is recommended that widening activities in the vicinity of these landfills be moved to the west to avoid the landfill sites. If parcels were acquired at these landfill locations, excavated soil would require further characterization to evaluate the proper disposal method.	Section 3.13.4	Design Engineer	Design / ROW Acquisition						
If soil from locations containing farmland or nurseries is exported, further characterization for pesticide / herbicides would be warranted to evaluate the proper disposal method.	Section 3.13.4	Design Engineer / Resident Engineer	Design / Construction						
Because historical chemical spill locations along I-5 are unknown, a contingency should be written into the construction contract to address this potential hazardous waste issue.	Section 3.13.4	Design Engineer	Design						
Asbestos and lead paint may be in structures demolished during construction and must be handled and disposed of properly.	Section 3.13.4	Resident Engineer	Construction						
Treated wood waste in sign and guardrail posts must be handled and disposed of properly.	Section 3.13.4	Resident Engineer	Construction						
<b>Air Quality</b>									
Air Quality measures to minimize construction-related emissions include: <ul style="list-style-type: none"><li>The construction contractor would comply with Caltrans' Standard Specifications in Section 14(2010).</li><li>Section 14-9.01 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.</li><li>Properly tune and maintain construction equipment and vehicles. Use low-sulfur fuel in all construction equipment as provided in CA Code of Regulations Title 17, Section 93114.</li><li>Route and schedule construction traffic to avoid peak travel times as much as possible, to reduce congestion and related air quality impacts caused by idling vehicles along local roads.</li></ul>	Section 3.14.4	Resident Engineer	Construction						
<ul style="list-style-type: none"><li>Construction-related impacts from fugitive dust, PM<sub>10</sub>, and PM<sub>2.5</sub> would be minimized by the</li></ul>	Section 3.14.4	Resident Engineer	Construction						



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<p>following strategies:</p> <ul style="list-style-type: none"><li>• Section 14-9.02 is directed at controlling dust. If dust palliative materials other than water are to be used, material specifications are contained in Section 18.</li><li>• Apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a “no visible dust” criterion either at the point of emission or at the right-of-way line, depending on local regulations.</li><li>• Spread soil binder on any unpaved roads used for construction purposes, and all project construction parking areas.</li><li>• Wash off trucks as they leave the right-of-way as necessary to control fugitive dust emissions.</li><li>• Develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts to existing communities.</li><li>• Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.</li><li>• Cover all transported loads of soils and wet materials prior to transport, or provide adequate freeboard (space from the top of the material to the top of the truck) to minimize emission of dust (particulate matter) during transportation.</li><li>• Promptly and regularly remove dust and mud that are deposited on paved, public roads due to construction activity and traffic to decrease particulate matter.</li><li>• Install mulch or plant vegetation as soon as practical after grading to reduce windblown particulate in the area. Be aware that certain methods of mulch placement, such as straw blowing, may themselves cause dust and visible emission issues, and may need to use controls such as dampened straw.</li></ul>									
<p>To minimize exposure to diesel particulate emissions, the following measures would be implemented:</p> <ul style="list-style-type: none"><li>• Locate equipment and materials storage sites as far away from residential and park uses as practical. Keep construction areas clean and orderly.</li><li>• Near sensitive air receptors, establish</li></ul>	Section 3.14.4	Design Engineer / Resident Engineer	Design / Construction						

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Environmentally Sensitive Areas or their equivalent within which construction activities involving the extended idling of diesel equipment would be prohibited, to the extent feasible.									
<b>Noise</b>									
<p>The following control measures would be implemented in order to minimize noise disturbances at sensitive receptors during periods of construction:</p> <ul style="list-style-type: none"><li>• All equipment items would have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational</li><li>• All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices</li><li>• Idling equipment would not be allowed</li><li>• A construction noise-monitoring program would be implemented to limit impacts</li><li>• Noisier operations would be planned during times least sensitive to receptors</li><li>• Rests between construction activities would be planned so that noisy activities would be followed by more quiet activities</li><li>• Noise levels would be kept relatively uniform and impulsive noises avoided</li><li>• Good public relations would be maintained with the community to minimize objections to the unavoidable construction impacts. Frequent activity updates of all construction activities would be provided.</li><li>• Ongoing communication would occur between the Caltrans Resident Engineer, the Oceanside Unified School District, and Oceanside High School.</li></ul>	Section 3.15.14	Design Engineer / Resident Engineer	Design / Construction						
Design and install noise abatement at the locations recommended in the Final NADR.	Section 3.15.14	Design Engineer / Resident Engineer	Design / Construction						
<b>Energy</b>									
<p>Efforts to minimize energy consumption during construction include:</p> <ul style="list-style-type: none"><li>• Public awareness campaigns to encourage carpooling and commuting during non-peak traffic hours</li><li>• The recycling of materials, such as, damaged metal beam / guardrail, light standards, pipes, bridge materials, and/or used rebar salvaged as metal scrap</li><li>• The use of recycled materials, such as asphalt and</li></ul>	Section 3.16.14	Design Engineer / Public Information Officer / Resident Engineer	Design / Construction						



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concrete roadway materials through creation of road-base materials after crushing and grinding <ul style="list-style-type: none"><li>Reuse of soil and vegetation where practicable</li><li>The salvage of material such as roadside sign posts, and sign structures, chain link fence fabric, lighting standards, and/or traffic signal standards and appurtenances</li><li>The use of energy-efficient construction vehicles</li></ul>									
The following measures relevant to energy use during operations are consistent with other discussions in this Final EIR/EIS: <ul style="list-style-type: none"><li>Incorporate bicycle-friendly intersections at interchange ramps, in coordination with the responsible local jurisdictions</li><li>Incorporate low water use landscaping</li><li>Develop and implement a comprehensive TMP to increase driver awareness, ease congestion, and minimize delay during construction (see Traffic measures.)</li></ul>	Section 3.16.14	Design Engineer / Landscape Architect / Traffic Engineer / Resident Engineer	Design / Construction						
<b>Natural Communities</b>									
BO1. To minimize impacts to all habitats, 2:1 slopes will be used along the freeway and retaining walls will be used on cut slopes.	Section 3.17.3 and Appendix O	Design Engineer	Design						
BO2. No riprap will be used in channel bottoms for bridge construction to minimize impacts to aquatic habitats.	Section 3.17.3 and Appendix O	Design Engineer	Design						
BO3. Retaining walls 6 feet or lower in height will be used as feasible on fill slopes within lagoons to minimize impacts to aquatic habitats from the bike / pedestrian path. Retaining walls will also be used as feasible on cut slopes through coastal mesas to minimize project impacts to sensitive upland habitats.	Section 3.17.3 and Appendix O	Design Engineer	Design						
BO4. The I-5 lagoon bridges will be lengthened to accommodate a channel bottom width of at least 261, 134, and 105 feet at San Elijo, Batiquitos, and Buena Vista Lagoons, respectively, consistent with the recommendations in the lagoon bridge optimization studies (Moffatt & Nichol 2012a and b, Everest International Consultants, Inc. 2012).	Appendix O	Design Engineer	Design						
BO5. Project work within open water habitat in the San Luis Rey River in occupied goby critical habitat will be minimized to approximately 500 square feet of permanent impacts from bridge pilings, 0.3 acre of bridge shading, and 0.2 acre of temporary impacts. Cofferdams at bridge footings will be used such that project construction will not require diversion or	Section 3.17.3 and Appendix O	Design Engineer / Resident Engineer	Design / Construction						

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relocation of the active channel. The project will not conduct actions that will result in the breach of seasonal San Luis Rey River estuary berms. Construction berms will not be used within the San Luis Rey River and all lagoons to minimize impacts on the active channel and avoid sedimentation impacts.									
BO6. Project landscaping will follow the provisions set forth in Executive Order 13112, which mandates preventing the introduction of and controlling the spread of invasive plant species on highway Right-of-ways. No invasive species listed in the National Invasive Species Management Plan, the State of California Noxious Weed List, or the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory list will be included in the landscaping plans for the proposed project. Landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas will be directed away from adjacent native habitats and contained and/or treated within the development footprint.	Section 3.22.4 and Appendix O	Design Engineer / Landscape Architect / Biologist	Design						
BO7. Permanent project lighting will be of the lowest illumination necessary for safety and will be directed toward the roadway, Park and Rides, and other project facilities, and away from sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. Lighting adjacent to lagoons will be fitted with bird control spikes to ensure that raptors will not be able to use lighting as a perch to prey on listed bird species. With the exception of pathway lighting for the North Coast (NC) Bike Trail, there will be no night lighting of trails within lagoons, wildlife corridors, and sensitive habitat areas. Pathway lighting for the NC Bike Trail will be of the lowest illumination necessary for safety and will be designed to avoid light spill into adjacent sensitive habitats and wildlife movement areas. Caltrans will coordinate with the CFWO regarding the design of pathway lighting for the NC Bike Trail to ensure that the lighting will not negatively affect wildlife movement in the project area. Caltrans will review the permanent lighting plans and then submit them to the CFWO for review and approval.	Section 3.17.3 and Appendix O	Design Engineer / Biologist	Design						
BO8. All pedestrian trails and bike paths will be fenced in	Section 3.17.3	Design Engineer /	Design						

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a manner that will encourage users to remain on the trails and paths. In areas where wildlife movement is expected, such as along river and lagoon bridge benches, fencing will be designed in a manner that will encourage users to remain on the trails and paths but which will not preclude wildlife from moving through habitat areas and accessing pedestrian benches during flood events (e.g., [three rail] spilt rail fencing). Signage will be posted and maintained at conspicuous locations to inform users about adjacent sensitive habitats and species as well as access restrictions. Plans for fencing and signage for each phase of project construction will be submitted to the CFWO for approval at least 5 days prior to initiating project impacts in each phase. Fencing and signage will be installed prior to completion of each phase of project construction.	and Appendix O	Biologist							
BO9. The following wildlife connectivity features will be constructed to ensure that ecosystem functions are maintained for the benefit of listed species: a. At Carmel Creek, a 10-foot-wide bench will be constructed at the south bridge abutment, and the existing 8-foot-wide bench at the north bridge abutment will be maintained. The south bench will be modified to allow for usage by pedestrians and bikes and is expected to provide for wildlife usage at night and during flood events. The project will elevate the Sorrento Valley Road Bike Path Connector to the west of the bridge and remove sediment under and southwest of the bike path to remove an existing constraint to flood flows and to improve wildlife connectivity from east to west. b. At the proposed bridge over Los Peñasquitos and Soledad Creeks, the existing bridge provides for a substantial dry movement area with a 2:1 slope to the north, which will be maintained. A new 16-foot-wide bench may be added at the south bridge abutment for both pedestrians and wildlife depending upon clearance. c. At San Dieguito Lagoon, the existing bridge provides for a substantial dry movement area to the south, and an existing 12-foot-wide pedestrian pathway will be maintained to the north that is expected to provide for wildlife movement at night and during flood events.	Section 3.17.3 and Appendix O	Design Engineer / Biologist / Biological Monitor	Design / Construction / Post-construction						

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<p>Existing pier walls constrain visibility and openness under the bridge. If possible, Caltrans will cut openings in existing and proposed pier walls to improve visibility and openness. The south bank of the channel will not be armored.</p> <p>d. At San Elijo Lagoon, a 12-foot-wide wildlife bench will be constructed to the south, and existing pedestrian pathways to the north and south will be maintained and are expected to provide for wildlife movement at night and during flood events.</p> <p>e. At Batiquitos Lagoon, a 16-foot-wide wildlife bench will be constructed on the south bridge abutment and a 16-foot wide pedestrian path will be maintained on the north bridge abutment that is expected to provide for wildlife movement at night and during flood events.</p> <p>f. At Agua Hedionda Lagoon, 16-foot-wide benches for pedestrian and wildlife use will be constructed at both the north and south bridge abutments.</p> <p>g. At Buena Vista Lagoon, 16-foot-wide benches for wildlife movement will be constructed at both the north and south bridge abutments.</p> <p>h. At the San Luis Rey River, a pedestrian trail will be constructed mid-slope on the north bridge abutment that is expected to provide for wildlife movement at night and during flood events.</p> <p>i. Bridges where wildlife movement is expected will use columns rather than pier walls to improve visibility and openness and encourage usage by wildlife, including Carmel Creek, Los Peñasquitos and Soledad Creeks, and all lagoons (with the exception of San Dieguito Lagoon and the San Luis Rey River where pier walls may be required for stability).</p> <p>j. To the maximum extent feasible, rock slope protection will be avoided at wildlife benches. If rock slope protection is required, modifications (e.g., small pebble, dirt, soil covered rip rap, or grouted movement pathways) will be made such that animals of all sizes can use the wildlife benches.</p> <p>k. Monitoring will be conducted on the effectiveness of the wildlife connectivity features such that the effectiveness of wildlife connectivity features can be improved and to</p>									





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<p>inform decision-making for future projects. This monitoring will include research on the degree to which various undercrossings are used by target species. Remote cameras will be used to document use of wildlife undercrossings. Monitoring will be conducted over a minimum of 5 years following construction of each wildlife connectivity feature to allow wildlife to become accustomed to the wildlife connectivity features. Annual monitoring reports, including photographs, modifications made to wildlife connectivity features to improve their functionality, and recommendations, will be provided to the CFWO each year for the duration of the 5-year monitoring period following each phase of project construction.</p> <p>I. Wildlife benches will be maintained in perpetuity to ensure that wildlife connectivity in the project area is not lost over time. The wildlife connectivity plan will include a detailed explanation of how wildlife benches will be maintained and how the maintenance will be funded.</p>									
<p>BO10. Caltrans will submit final project design plans to the CFWO for review and approval, based on the draft plans dated August 22, 2012, with the following revisions: 1) measures, such as the use of fabric weed barriers and mulch, will be incorporated into the design plans to limit the establishment and spread of invasive species along the oleander median; 2) gateway undercrossings and overcrossings adjacent to lagoons will not include decorative night lighting or vertical features that may be used as a perch by raptors to prey upon listed species; 3) the design and elevation of suspended pedestrian bridges will not impede access by maintenance dredges at lagoons; 4) invasive species will be removed from planting palettes; 5) plans will clearly show that areas of temporary impact to native habitats will be replanted with native species; and 6) plans will specify that the height of vegetation planted near coastal lagoons will be limited (e.g., coastal sage and chaparral species up to approximately 8 feet in height) to prevent perching and predation by raptors on listed species.</p>	<p>Section 3.17.3, Section 3.22.4 and Appendix O</p>	<p>Design Engineer / Landscape Architect / Biologist</p>	<p>Design</p>						
<p>BO11. Because the project is expected to start in 2014 and</p>	<p>Section 3.21.4</p>	<p>Biologist</p>	<p>Design / Pre-</p>						

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be phased over approximately 21 years, Caltrans will conduct updated surveys for the gnatcatcher, rail, and manzanita within 1 year prior to the commencement of vegetation clearing and construction activities for each project phase to ensure that survey information remains up to date. FHWA and Caltrans acknowledge that Section 7 consultation will be reinitiated if survey results indicate that additional impacts to these species may occur beyond those addressed in this biological opinion.	and Appendix O		construction						
BO12. <i>Caulerpa taxifolia</i> surveys will be completed before and after construction at each of the lagoons to ensure there is no infestation within project limits. If <i>Caulerpa taxifolia</i> is found, measures will be implemented to eradicate it from the area.	Section 3.22.4 and Appendix O	Biologist	Pre-construction / Post-construction						
BO13. Prior to construction equipment entering open water habitat in the San Luis Rey River, all gobies within the project impact footprint will be captured and relocated to a proximal and safe location, and gobies will be excluded from re-entering the project impact footprint. Caltrans will submit a goby capture, relocation, and exclusion plan to the CFWO for review and approval. The plan will include relocation of native species and removal of non-native species captured with gobies during the relocation effort. Capture methods will follow commonly accepted techniques for fish capture such as seining. The plan will be prepared and implementation will be overseen by a CFWO-approved biologist knowledgeable of goby biology and ecology.	Section 3.21.4 and Appendix O	Biologist	Pre-construction / Construction						
BO14. Prior to construction in areas with manzanita, all manzanita in the project impact footprint (including the approximately 6 individuals currently known and any other individuals found in updated surveys) will be salvaged and translocated to the Dean property, which is near the currently known salvage locations. Caltrans will submit a manzanita translocation plan to the CFWO for review and approval. The plan will be prepared and implementation will be overseen by a CFWO-approved biologist knowledgeable of manzanita biology and ecology and translocating sensitive plant species. There has been limited success with translocation of this species; therefore, seed will be collected prior to impacts and used to	Section 3.21.4 and Appendix O	Biologist	Pre-construction / Construction / Post-construction						

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propagate additional plants at a facility that has experience working with manzanita and specializes in the propagation of native plants. The manzanita plants grown from seed will also be planted at the Dean property. A field review will be conducted with the CFWO to review and approve the locations where the manzanita plants will be planted on the Dean property. The translocated manzanita population will be monitored for a minimum of 5 years to document success or failure of the translocation efforts.									
BO15. The clearing and grubbing of native wetland and riparian habitats will occur between September 16 and March 14 and the clearing and grubbing of native upland habitats for the project will occur between September 1 and February 14, to avoid the rail and gnatcatcher breeding seasons, respectively [or sooner than September 16 or September 1, if a biologist knowledgeable of gnatcatcher and rail biology and ecology approved by the CFWO demonstrates to the satisfaction of the CFWO that all rail or gnatcatcher nesting is complete]. Caltrans will submit the biologist's name, address, telephone number, and work schedule on the project to the CFWO at least 5 working days prior to initiating project impacts.	Section 3.21.4 and Appendix O	Biologist / Resident Engineer / Biological Monitor	Pre-construction / Construction						
BO16. Pile driving for bridge construction near the lagoons and San Luis Rey River will be completed between September 16 and February 14 to minimize construction noise impacts to rail and gnatcatcher breeding. Pile driving may commence earlier in the fall if a biologist knowledgeable of gnatcatcher and rail biology and ecology approved by the CFWO demonstrates to the satisfaction of the CFWO that all rail and gnatcatcher breeding is complete within the area where construction noise will exceed ambient levels as a result of pile driving. Caltrans will submit the biologist's name, address, telephone number, and work schedule on the project to the CFWO at least 5 working days prior to initiating project impacts.	Section 3.21.4 and Appendix O	Biologist / Resident Engineer / Biological Monitor	Pre-construction / Construction						
BO17. Noise barriers will be installed at the edge of temporary impact areas near sensitive resources where feasible depending on inundation and effective heights required for walls. Noise walls would not be effective where fill slopes are	Section 3.21.4 and Appendix O	Design Engineer / Biologist / Resident Engineer	Design / Construction						

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significantly higher than impact areas.									
BO18. All construction equipment used for the project will be equipped with properly operating and maintained mufflers.	Section 3.21.4 and Appendix O	Resident Engineer	Construction						
BO19. During in-water bridge construction activities at all lagoons and the San Luis Rey River, bubble curtains or other methods to minimize acoustical impacts to aquatic species will be implemented. These measures will be developed in coordination with the CFWO when project design and construction methodology is further developed.	Section 3.21.4 and Appendix O	Design Engineer / Biologist / Resident Engineer	Design / Construction						
BO20. If nighttime construction is necessary, all lighting used at night for project construction (e.g., staging areas, equipment storage sites, roadway) will be selectively placed and directed onto the roadway or construction site and away from sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats.	Section 3.21.4 and Appendix O	Biologist / Resident Engineer / Biological Monitor	Design / Construction						
BO21. Appropriate best management practices (BMPs) will be used to control erosion and sedimentation and to capture debris and contaminants from bridge demolition and construction to prevent their deposition in coastal lagoons and waterways. No sediment or debris will be allowed to enter lagoons, creeks, rivers, or other drainages. All debris from the demolition and construction of bridges will be contained so that it does not fall into channels. Appropriate BMPs will be used during construction to limit the spread of resuspended sediment and contain debris. These may include cofferdams, blasting mats, silt curtains, turbidity curtains and/or other barriers. Water within cofferdams will not be returned to the San Luis Rey River or lagoons until it is clear and clean. This may be accomplished through the use of desiltation tanks or other appropriate measures. Collected sediments will be removed from the site and disposed of properly. BMPs (e.g., gravel bags) will be used at the discharge point to avoid erosion.	Section 3.17.3 and Appendix O	Design Engineer / Resident Engineer	Design / Construction						
BO22. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.	Section 3.20.4 and Appendix O	Design Engineer / Resident Engineer	Design / Construction						
BO23. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will	Section 3.17.3 and Appendix O	Design Engineer / Resident Engineer	Design / Construction						



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be restricted to designated areas that are a minimum of 100 feet from drainages / lagoons and associated plant communities, to preclude adverse water quality impacts. Fuel cans and fueling of tools will not be allowed inside the drainages.									
BO24. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate BMPs.	Section 3.17.3 and Appendix O	Resident Engineer	Construction						
BO25. Cationic polymers are attracted to the hemoglobin in fish gills and can cause suffocation at relatively low concentrations. Cationic polymers will not be used for dust control.	Section 3.20.4 and Appendix O	Design Engineer / Resident Engineer	Design / Construction						
BO26. Bioswales and detention basins will be placed to avoid impacts to wetlands (e.g., these features will not be located at the base of slope within lagoons).	Section 3.17.3 and Appendix O	Design Engineer / Biologist	Design						
BO27. The project site will be kept as clear of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the site. All spoils and material disposal will be disposed of properly.	Section 3.17.3 and Appendix O	Resident Engineer	Construction						
BO28. If fill must be borrowed from or disposed of offsite, the construction contractor will identify any necessary borrow and disposal sites and provide this information to Caltrans for review. Caltrans will review borrow and disposal site information and submit the information to the CFWO. If borrow or disposal activities may affect a listed species or critical habitat, FHWA/Caltrans will reinitiate Section 7 consultation. <sup>5</sup>  <sup>5</sup> Under the current process, FHWA would reinitiate formal consultation and Caltrans (acting for FHWA) would reinitiate informal consultation.	Section 3.17.3 and Appendix O	Design Engineer / Biologist / Project Management / Resident Engineer	Construction						
BO29. Contractors and construction personnel will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.	Section 3.17.3 and Appendix O	Resident Engineer	Construction						
BO30. Project personnel will be prohibited from bringing domestic pets to construction sites to ensure that domestic pets do not disturb or depredate wildlife in adjacent habitats.	Section 3.20.4 and Appendix O	Resident Engineer	Construction						
BO31. A CFWO-approved biologist (Biological Monitor <sup>6</sup> ) will be on site during: a) initial clearing and grubbing; and b) weekly during project construction within 500 feet of offsite gnatcatcher, rail, goby, and manzanita habitat to ensure compliance with all conservation measures. Caltrans will submit the biologist's name, address, telephone number, and	Section 3.21.4 and Appendix O	Biologist / Resident Engineer / Biological Monitor	Pre-construction / Construction						



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<p>work schedule on the project to the CFWO at least 5 working days prior to initiating project impacts. The contract of the Biological Monitor will allow direct communication with the CFWO at any time regarding the proposed project. The Biological Monitor will be provided with a copy of this consultation. The Biological Monitor and a Caltrans Project Biologist<sup>7</sup> will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The Biological Monitor will perform the following duties:</p> <p>a. Perform a minimum of three focused preconstruction surveys, on separate days, to determine the presence of gnatcatchers or rails in the project impact footprint. Surveys will begin a maximum of 30 days prior to performing vegetation clearing / grubbing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers or rails are found in the project impact footprint, the Biological Monitor will direct construction personnel to begin vegetation clearing / grubbing in an area away from the gnatcatchers and/or rails. It will be the responsibility of the Biological Monitor to ensure that gnatcatchers and rails will not be injured or killed by vegetation clearing / grubbing. The Biological Monitor will also record the number and location of gnatcatchers and rails disturbed by vegetation clearing / grubbing. Caltrans will notify the CFWO at least 7 days prior to vegetation clearing / grubbing to allow the CFWO to coordinate with the Caltrans Project Biologist on potential bird flushing activities;</p> <p>b. Oversee installation of and inspect the construction fencing and erosion control measures a minimum of once per week to ensure that any breaks in the fencing or erosion control measures are repaired immediately and that rails have not entered the project impact footprint;</p> <p>c. Implement the goby capture, relocation and</p>									

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<div>exclusion plan; and manzanita translocation plan;</div> <div>d. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust;</div> <div>e. Train all contractors and construction personnel on the biological resources associated with the project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the gnatcatcher, rail, goby, and manzanita and their habitats; 3) the conservation measures that should be implemented during project construction to conserve the gnatcatcher, rail, goby, and manzanita, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices; 5) the protocol to resolve conflicts that may arise at any time during the construction process; and 6) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act;</div> <div>f. Request that the Resident Engineer halt work, if necessary, and confer with the Caltrans Project Biologist and the CFWO to ensure the proper implementation of species and habitat protection measures. The Caltrans Project Biologist will report any noncompliance issue to the CFWO within 24 hours of its occurrence;</div> <div>g. Monitor the project site immediately prior to and during construction to identify the presence of invasive weeds and recommend measures to avoid their inadvertent spread in association with the project. Such measures may include inspection and cleaning of construction equipment and use of eradication strategies. All heavy equipment will be washed and cleaned of debris prior to entering a lagoon area to minimize the spread of invasive weeds;</div> <div>h. Submit monthly email reports (including photographs of impact areas) to the Caltrans Project Biologist during clearing of, and</div>									

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<p>construction within, 500 feet of gnatcatcher, rail, goby, and manzanita habitats. The monthly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers, rails, and gobies (if observed), their observed behavior (especially in relation to construction activities), and remedial measures employed to avoid and minimize impacts to these species. The Caltrans Project Biologist will review reports and forward them to the CFWO. Raw field notes should be available upon request by the CFWO; and</p> <p>i. Submit a final report to Caltrans Project Biologist within 120 days of the completion of construction for each project phase that includes: photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conservation measures was achieved. As-built construction drawings with an overlay of habitat that was impacted and avoided will be provided as well once they have been completed. The Caltrans Project Biologist will review the report and forward it to the CFWO.</p> <p><sup>6</sup> The Biological Monitor will be familiar with the federally listed species potentially affected by the project (i.e., gnatcatcher, rail, goby and manzanita) and with the habitats that support these species.</p> <p><sup>7</sup> The Caltrans Project Biologist will be a Caltrans biologist familiar with the federally listed species potentially affected by the project and with the habitats that support these species; he/she will be the primary contact for the CFWO during project implementation.</p>									
BO32. All native or sensitive habitats outside and adjacent to the permanent and temporary construction limits will be designated as Environmentally Sensitive Areas (ESAs) on project maps. ESAs will be temporarily fenced during construction with orange plastic snow fence, orange silt fencing, or in areas of flowing water, with stakes and flagging. No personnel, equipment or debris will be allowed within the ESAs. Fencing and flagging will be installed in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot	Section 3.21.4, Section 3.17.3 and Appendix O	Design Engineer / Biologist / Resident Engineer / Biological Monitor	Design / Pre-construction / Construction						





Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
and operating heavy equipment. At the bridge construction areas where there is the potential for rail movement under the bridges, fencing will be installed in a manner that will direct rails to the open channel under bridges to the extent feasible. Caltrans will submit to the CFWO for approval, at least 5 days prior to initiating project impacts (except for impacts resulting from clearing to install temporary fencing), the final plans for initial clearing and grubbing of habitat and project construction. These final plans will include photographs that show the fenced and flagged limits of impact and all areas to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact all work will cease until the problem has been remedied to the satisfaction of the CFWO. Temporary construction fencing and markers will be maintained in good repair until the completion of each phase of project construction and removed upon completion of each project phase.									
BO33. During project construction all invasive species included on National Invasive Species Management Plan, the State of California Noxious Weed List, and the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory list found growing within the project right-of-way will be removed. Weed removal will be conducted within the project right-of-way at least once per year during the construction period. Special care will be taken during transport, use, and disposal of soils containing invasive weed seeds and all weedy vegetation removed during construction will be properly disposed of to prevent spread into areas outside of the construction area.	Section 3.22.4, Section 3.17.3 and Appendix O	Resident Engineer / Biological Monitor	Construction						
BO34. A channel large enough for fish and rail movement will be kept open throughout project construction in the San Luis Rey River and each of the lagoons. Prior to initiation of construction in the San Luis Rey River and each of the lagoons, Caltrans will submit a plan to the CFWO for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons.	Section 3.21.4 and Appendix O	Biologist / Resident Engineer	Pre-construction / Construction						
BO35. Permanent and temporary impacts to gnatcatchers, rails, gobies, manzanita, and critical habitat for the gnatcatcher and goby (as summarized in Tables 3 and 4 of the BO [Appendix O]) resulting from the I-5 North Coast Corridor Project will be offset through habitat creation restoration, and preservation /	Section 3.21.4 and Appendix O	Biologist / Project Manager	Design						

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
enhancement as shown in Table 5 and Figures 22-31 of the BO (Appendix O). Implementation of these conservation measures is phased ahead of project impacts. In addition, large-scale lagoon restoration and lagoon management endowments shown in Table 5 of the BO (Appendix O) will be implemented to provide additional conservation to offset impacts from the I-5 North Coast Corridor Project, Los Angeles to San Diego Rail Corridor, and I-5 / State Route-78 Interchange Project (with project elements as listed in the REMP).									
BO36. Caltrans will submit draft San Dieguito Lagoon W19, Hallmark, Dean, San Elijo Uplands, Deer Canyon, Laser, and La Costa wetland and upland creation / restoration / enhancement plans to the CFWO for review and approval prior to initiating project impacts. Caltrans will provide the final plans to the CFWO. The final plans will include the following information and conditions: a. All final specifications and topographic-based grading, planting and irrigation plans (0.5-foot contours and typical cross-sections for wetlands and 10-foot contours for uplands) for the creation / restoration / enhancement sites. All wetland mitigation areas will be graded to the same elevation as adjacent existing Corps jurisdictional wetlands areas, and/or to within 1-foot of the groundwater table, and will be left in a rough grade state with micro topographic relief (including channels for wetlands) that mimics natural topography. All upland habitat creation / restoration / enhancement sites will be prepared for planting by decompacting the top soil in a way that mimics natural upland habitat top soil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) will be transplanted to, and/or used as a seed / cutting source for, the creation and enhancement areas to the maximum extent practicable. Planting and irrigation will not be installed until the CFWO has approved of the site grading. All plantings will be installed in a way that mimics natural plant distribution and not in rows. b. Planting palettes (plant species, size and	Section 3.17.3 and Appendix O	Biologist	Design / Construction / Post-construction						



Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
<p>number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans will include native species specifically associated with the habitat type(s). Unless otherwise approved by the CFWO, only locally native species (no cultivars) obtained within San Diego County available from as close to the project area as possible will be used. The source and proof of local nativeness of all plant material and seed will be provided.</p> <p>c. Container plant survival will be 80 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment.</p> <p>d. A final implementation schedule that indicates when all native habitat impacts, as well as native habitat creation / restoration / enhancement grading, planting and irrigation will begin and end. Necessary site preparation and planting will be completed during the concurrent or next planting season (i.e., late fall to early spring) after receiving the CFWO’s approval of grading.</p> <p>e. Five years of success criteria for creation / restoration / enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory, and a total percent absolute cover for all three layers at the end of 5 years for wetlands, and a total percent absolute cover for uplands; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage will be maintained for Cal-IPC’s “Invasive Plant Inventory” species, and no more than 10 percent coverage for other exotic / weed species.</p> <p>f. A minimum 5 years of maintenance and monitoring of creation / restoration / enhancement areas, unless success criteria are met earlier and all artificial water supplies have been off for at least 2 years.</p> <p>g. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points will be used for qualitative monitoring and stratified random sampling will be used for all quantitative monitoring.</p> <p>h. Contingency measures in the event of creation /</p>									



Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
<div>restoration / enhancement failure.</div> <div>i. Annual mitigation maintenance and monitoring reports will be submitted to the CFWO no later than December 1 of each year.</div> <div>j. If maintenance of a wetland creation / restoration / enhancement area potentially occupied by rails is necessary between March 15 and September 15, a biologist with knowledge of rail biology and ecology and approved by the CFWO will survey for rails within the creation / restoration / enhancement area, access paths to it, and other areas susceptible to disturbances by creation / restoration / enhancement site maintenance. Surveys will consist of three visits separated by 2 weeks starting April 1 of each maintenance/monitoring year. Restoration work will be allowed to continue on the site during the survey period. However, if rails are found during any of the visits, the applicant will notify and coordinate with the CFWO to identify measures to avoid and/or minimize effects to the rail (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).</div> <div>k. If maintenance of a coastal sage scrub restoration / enhancement area is necessary between February 15 and August 31, a biologist with knowledge of the biology and ecology of gnatcatchers and approved by the CFWO will survey for gnatcatchers within the creation / restoration / enhancement area, access paths to it, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by 2 weeks starting March 1 of each maintenance/monitoring year. Work will be allowed to continue on the site during the survey period. However, if gnatcatchers are found during any of the visits, Caltrans will notify and coordinate with the CFWO to identify measures to avoid and/or minimize effects to the gnatcatcher (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).</div>									
BO37. Perpetual biological conservation easements or other conservation mechanisms acceptable to the CFWO will be recorded over the areas created,	Section 3.17.3 and Appendix O	Biologist / Project Management	Pre-construction / Post-						





Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
restored, and/or preserved / enhanced by the project at the San Dieguito Lagoon W19, Hallmark, Dean, San Elijo Uplands, Deer Canyon, Laser, and La Costa properties. The conservation mechanisms will specify that no easements or activities (e.g., fuel modification zones, public trails, drainage facilities, walls, maintenance access roads, utility easements) that will result in soil disturbance and/or native vegetation removal will be allowed within the biological conservation easement areas, with exceptions as documented in the Constraints sections of Mitigation Site Assessments for these properties and where the acreage of impacts is not included in the mitigation acreage totals in Table 5 of the BO (Appendix O). Draft Mitigation Site Assessments have been provided to the CFWO for our review and comment. A copy of final Mitigation Site Assessments will be provided to the CFWO that clearly document constraints and demonstrate compliance with the requirement that the acreage of impacts resulting from constraints is not included in the mitigation acreage totals in Table 5 of the BO (Appendix O). Revised draft conservation mechanisms will be provided to the CFWO for review and approval. Caltrans will also submit the final conservation mechanisms to the CFWO. Caltrans anticipates that they will not be able to place the conservation easements or other conservation mechanisms for these properties prior to initiating project impacts; however, annual reports will be provided on their status until the conservation mechanisms are recorded over the properties, which will occur either within 1-year of the issuance of this biological opinion, or within 1-year of purchase of each property, unless a written extension is requested by Caltrans showing good faith efforts to achieve the recordation and the extension request is granted by the CFWO.			construction						
BO38. Caltrans will prepare and implement perpetual management, maintenance, and monitoring plans for the San Dieguito Lagoon W19, Hallmark, Dean, San Elijo Uplands, Deer Canyon, Laser, and La Costa properties. Caltrans will also establish non-wasting endowments for amounts approved by the CFWO based on Property Analysis Records (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation methods, to secure the ongoing funding for	Section 3.17.3 and Appendix O	Biologist / Project Management	Pre-construction / Post-construction						

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
the perpetual management, maintenance and monitoring of these properties. Caltrans will submit draft long-term management plans for the properties to the CFWO for review and approval. The long-term management plans will include, but not be limited to, the following: 1) the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information; 3) method of protecting the resources in perpetuity (e.g., conservation easement), monitoring schedule, measures to prevent human and exotic species encroachment, funding mechanism, and contingency measures should problems occur. Caltrans will submit the final long-term management plans to the CFWO. Caltrans anticipates that the long-term management plans will not be prepared prior to initiating project impacts; however, annual reports will be provided on their status until the final management plans have been provided and the endowments have been established, which is anticipated to occur when the projects are projected to meet criteria (as documented in Table 5 of the BO [Appendix O]) and will occur within 1 year of achieving applicable success criteria for each property.									
BO39. Caltrans will establish a non-wasting endowment for an amount approved by the CFWO, based on reliable and current estimates of maintenance costs, for long-term maintenance of Batiquitos and Los Peñasquitos Lagoons, including lagoon inlet maintenance and dredging. Caltrans will submit the estimates and information to demonstrate that the endowment will be non-wasting, and will adequately cover the costs of maintenance, to the CFWO for review and approval. Caltrans will make the endowment available for use within 1 year of establishment of the endowment, which will be established no later than December 1, 2015. Any delay in availability of funds will be reviewed and approved by the CFWO.	Section 3.17.3 and Appendix O	Project Management	Pre-construction / Post-construction						
BO40. Caltrans will fund, in full, a large-scale salt water lagoon restoration at San Elijo Lagoon and/or Buena Vista Lagoon through the REMP <sup>8</sup> . Caltrans will submit revised drafts of the REMP to the CFWO for review and comment. Large-scale lagoon restoration funding will be used solely for salt water lagoon restoration, which will restore tidally-	Section 3.21.4 and Appendix O	Biologist / Project Management	Design / Pre-construction / Post-construction						

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
<p>influenced habitats that are comparable with project impacts, for the benefit of listed species. Allocation of funding for large-scale salt water lagoon restoration will be determined, in coordination with the CFWO, prior to initiating project impacts. Caltrans will submit a copy of the final REMP and funding proposal to the CFWO for review and approval.</p> <p><sup>8</sup> A separate section 7 consultation with the Federal lead agency for the restoration project will be required to address impacts to listed species resulting from large-scale lagoon restoration.</p>									
<p>BO41. Caltrans will establish non-wasting endowments for amounts approved by the CFWO, based on reliable and current estimates of maintenance costs, for long-term maintenance of the large-scale lagoon restoration at San Elijo Lagoon and/or Buena Vista Lagoon. Caltrans will submit the endowment estimates to the CFWO for review and approval. The endowments are anticipated to be established during the year in which the large-scale lagoon restoration work is completed and no later than December 1, 2019 unless a written extension is requested by Caltrans showing good faith efforts to establish the endowment and the extension request is granted by the CFWO. Funds will be available for use within one year of establishment of the endowments.</p>	Section 3.17.3 and Appendix O	Biologist / Project Management	Construction / Post-construction						
<p>BO42. All areas of temporary impact, as quantified in Table 2 of the BO (Appendix O), will be revegetated and restored with native species. These areas will be returned to original grade, as feasible. Prior to initiating project impacts, a restoration plan will be developed for the temporary impact areas. The plan will be submitted to the CFWO for review and approval. This plan will include a detailed description of restoration methods, slope stabilization, and erosion control, criteria for restoration to be considered successful, and monitoring protocol(s). Following the completion of construction activities within each area of impact, the restoration plan will be implemented for a minimum of 5 years, unless success criteria are met earlier and all artificial water has been off for at least 2 years. Temporary impact areas will be planted as soon as possible following re-grading after completion of construction to prevent encroachment by nonnative plants.</p>	Section 3.17.3 and Appendix O	Design Engineer / Biologist / Landscape Architect / Resident Engineer /	Design / Construction / Post-construction						

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
BO43. Cut and fill slopes adjacent to native habitats will be revegetated with native habitats with similar composition to those within the project study area as feasible, including over 86 acres of slopes near lagoons and other open space that will be revegetated with coastal sage scrub. Duff and rare plants from areas with coastal sage scrub, maritime succulent scrub, and maritime chaparral may be salvaged from the project impact footprint to the extent practicable to aid in revegetating slopes with native habitats (excluding areas with invasive nonnative species such as African veldt grass and onion weed). The revegetated areas will have temporary irrigation and will be planted with native container plants and seeds selected in coordination with the Caltrans Project Biologist. At least 3 years of plant establishment/maintenance on these slopes will be conducted to control nonnative plants. Bioswales and detention basins will be planted with appropriate species as determined in coordination with the Caltrans Project Biologist and storm water pollution prevention professional. These areas will be planted as soon as possible following completed construction to prevent encroachment by nonnative plants. Slopes and interchanges located adjacent to developed urban areas will be planted with native and drought tolerant non-invasive species selected by the biologist and landscape architect.	Section 3.17.3 and Appendix O	Design Engineer / Biologist / Landscape Architect / Resident Engineer / Biological Monitor	Design / Construction / Post-construction						
<b>REASONABLE AND PRUDENT MEASURES</b> Caltrans will implement significant conservation measures as part of the proposed action to minimize the incidental take of gnatcatchers, rails, and gobies. In addition to these conservation measures, the following reasonable and prudent measures are necessary to monitor and report the effects of the incidental take on gnatcatchers, rails, and gobies: <ol style="list-style-type: none"><li>1. FHWA and/or Caltrans will monitor and report on compliance with the established take exemptions for gnatcatchers associated with the proposed action.</li><li>2. FHWA and/or Caltrans will monitor and report on compliance with the established take exemptions for rails associated with the proposed action.</li><li>3. FHWA and/or Caltrans will monitor and report on compliance with the established take exemptions for gobies associated with the proposed action.</li></ol>	Appendix O	Biologist / Resident Engineer / Biological Monitor	Construction						



Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
<b>Coastal California Gnatcatcher</b> 1.1 Prior to initiating each phase of the proposed project, three preconstruction surveys will be conducted within all suitable gnatcatcher habitat within the footprint for that phase of the project, within 30 days prior to initiation of vegetation removal activities, to verify that no more than 6 gnatcatcher pairs in phase 1, 8 gnatcatcher pairs in phase 2, and 1 gnatcatcher pair in phase 3 (unless bridge construction is moved forward in project phasing to avoid impacts to coastal wetlands in which case take of 4 pairs of gnatcatchers would be advanced from phase 2 to phase 1), with 15 pairs in total, will be taken as a result of the project. Prior to initiating each phase of the project, FHWA and/or Caltrans will provide to the CFWO a map showing the distribution of gnatcatchers relative to the project footprint for that phase, an estimate of the number of gnatcatchers territories that will be impacted by the project in that phase, and the cumulative total of gnatcatcher territories impacted by the project to date, or confirm in writing that maps, distribution information, and the number of territories that will be impacted by the project as shown in the BA remain correct. 1.2 FHWA and/or Caltrans will notify the CFWO within 30 days of completing removal of gnatcatcher occupied habitat in each project phase. The purpose of this notification is to ensure that impacts to gnatcatcher-occupied habitat from the proposed project do not exceed the take exemptions.	Appendix O	Biologist / Resident Engineer / Biological Monitor	Pre-construction / Construction						
<b>Light-footed Clapper Rail</b> 2.1 Prior to initiating each phase of the proposed project, three preconstruction surveys will be conducted within all suitable rail habitat within the footprint for that phase of the project, within 30 days prior to initiation of vegetation removal activities, to verify that no more than one pair in phase 1, two pairs in phase 2, and one pair in phase 3 (unless bridge construction is moved forward in project phasing to avoid impacts to coastal wetlands in which case take of all four pairs of rails would occur in phase 1), with four pairs in total, will be taken as a result of the project. Prior to initiating each phase of the project, FHWA and/or Caltrans will provide to the CFWO a map showing the distribution of rails relative to the project footprint for that phase, an									



Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
2.2 estimate of the number of rail territories that will be impacted by the project in that phase, and the cumulative total of rail territories impacted by the project to date, or confirm in writing that maps, distribution information, and the number of territories that will be impacted by the project as shown in the BA remain correct. FHWA and/or Caltrans will notify the CFWO within 30 days of completing removal of rail occupied habitat in each project phase. The purpose of this notification is to ensure that impacts to rail-occupied habitat from the proposed project do not exceed the take thresholds.									
<b>Tidewater Goby</b> 3.1 Within 30 calendar days of the completion of project activities within goby habitat, FHWA and/or Caltrans will provide the CFWO with a report documenting the area of goby habitat impacted, the number of dead or injured gobies observed in the action area, and the number of gobies captured and released. The report will include information on the general condition of all gobies that were killed, injured, and captured/released. It will also include an assessment of how or why gobies may have been injured or killed and information on where gobies were captured and released. Caltrans will report incidences of take (observed death or injury or capture and relocation of gobies) to the CFWO within 3 days. All field notes and other documentation generated by the biological monitor will be made available to the CFWO upon request. The purpose of this notification is to ensure that impacts to goby-occupied habitat from the proposed project do not exceed the take thresholds.	Appendix O	Biologist / Biological Monitor	Post-construction						
<b>DISPOSITION OF SICK, INJURED, OR DEAD SPECIMENS</b> Upon locating dead, injured, or sick individuals of threatened or endangered species, initial notification must be made to the Division of Law Enforcement in either San Diego, California, at 619-557-5063 or in Torrance, California, at 310-328-6307 within 3 working days. Notification should also be sent by telephone and writing to the office in Carlsbad, California, at 6010 Hidden Valley Road, Suite 101, Carlsbad, California 92011, 760-431-9440. Written notification must be made within 5 calendar days and include the collection date and time, the location of the animal, and any other pertinent information. Care	Appendix O	Biologist / Resident Engineer / Biological Monitor	Construction						

Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
					Initial	Date		Initial	Date
must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. The remains of intact specimens shall be placed with educational or research institutions holding the appropriate State and Federal permits. Remains shall be placed with the San Diego Natural History Museum, San Diego. Arrangements regarding proper disposition of potential museum specimens shall be made with the institution by the authorized biologist prior to implementation of the action.									
Eelgrass surveys would be completed at all lagoons with the exception of Buena Vista prior to bridge construction. In lagoons where eelgrass is identified in proximity to I-5 improvements, eelgrass surveys would continue during and after construction, and mitigation would be implemented in accordance with the Resource Enhancement and Mitigation Program (REMP).	Section 3.17.3	Biologist / Resident Engineer / Biological Monitor	Pre-construction / Construction / Post-construction						
Impacts to native upland habitats would be mitigated on a corridor-wide basis through the proposed North Coast Corridor REMF.	Section 3.17.3	Biologist	Design						
Any seeding of native upland habitats would be completed between October and February to ensure that the seed has proper conditions for germination.	Section 3.17.3	Biologist / Biological Monitor	Construction						
<b>Wetlands and Other Waters</b>									
Bioswales/detention basins would be placed in the loop ramps, and bioswales would be placed on slopes (i.e., not at base of slope within lagoons), as appropriate to treat runoff from the freeway.	Section 3.18.4	Design Engineer	Design						
<b>Sensitive Plant Species</b>									
Seed would be collected or plants would be salvaged to the extent practicable in the impact areas as mitigation. Salvaged plants and seed would be planted in mitigation sites, on revegetated new slopes, or in revegetated areas that were temporarily impacted. The majority of these species could potentially be salvaged or mitigated by planting in an off-site preserve.	Section 3.19.4	Biologist / Biological Monitor	Construction						
<b>Sensitive Animal Species</b>									
Exclusion devices would be installed on bridge drain holes and ledges during the non-breeding season (September 1 through February 15) to stop swallows, swifts, and any other birds or bats from nesting on or within bridges to be demolished.	Section 3.20.4	Biologist / Resident Engineer	Construction						
In-water construction activities at the San Luis Rey River would take place outside of the steelhead migration window when steelhead adults and juveniles are expected to be using the lower reach of the San Luis Rey River.	Section 3.21.4	Biologist / Resident Engineer	Construction						



Task and Brief Description	Reference	Responsible Branch / Staff	Timing / Phase	Action Taken to Comply with Task	Task Completed		Remark	Environmental Compliance	
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Silt curtains, coffer dams, and/or other barriers would be used to prevent steelhead from entering the construction zone and prevent sedimentation and debris from entering the river.	Section 3.21.4	Biologist / Resident Engineer	Construction						
Best management practices would be implemented during construction to minimize impacts on steelhead and aquatic habitat in the San Luis Rey River. These include sediment control measures to minimize erosion and impacts to water quality, measures to prevent debris and fresh concrete from entering the river channel, and fueling and maintenance of heavy machinery in areas away from the river channel and sensitive habitats.	Section 3.21.4	Biologist / Resident Engineer	Construction						
All removal of native vegetation or non-native shrubs and trees located within the impact areas would be completed outside of the bird breeding season (February 15 to August 31), if possible, to avoid impacts to nesting birds. Otherwise, a qualified biologist would thoroughly survey all vegetation prior to removal to ensure there are no nesting birds on site. If nesting birds are identified on site, vegetation removal would be delayed until the chicks have fledged or the nest has failed.	Section 3.17.3	Biologist / Resident Engineer	Construction						





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## **Appendix E: Farmland Conversion Impact Rating Form**

U.S. DEPARTMENT OF AGRICULTURE  
Natural Resources Conservation ServiceNRCS-CPA-106  
(Rev. 1-91)FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request 7/24/07	4. Sheet 1 of 1
1. Name of Project I-5 North Coast Corridor		5. Federal Agency Involved Federal Highway Administration	
2. Type of Project Highway Improvements Project		6. County and State San Diego, CA	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS 7/24/07	2. Person Completing Form C. Calvert
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated 69,537	Average Farm Size 80
5. Major Crop(s) Nursery, Flower, Fruit/Nut	6. Farmable Land in Government Jurisdiction Acres: 112,974 % 4	7. Amount of Farmland As Defined in FPPA Acres: 91,812 % 4	
8. Name Of Land Evaluation System Used CA - Storie System	9. Name of Local Site Assessment System None	10. Date Land Evaluation Returned by NRCS 7/26/07	

<b>PART III (To be completed by Federal Agency)</b>	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	1,630	1,616	1,628	1,604
B. Total Acres To Be Converted Indirectly, Or To Receive Services	0	0		
C. Total Acres In Corridor	1,630	1,616	1,628	1,604

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	551	551	558	547
B. Total Acres Statewide And Local Important Farmland	418	416	418	414
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	1	1	1	1
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	Data Not Available			

<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	51.73	51.76	51.74	51.81
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<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 656.5(c))</b>		Maximum Points				
1. Area In Nonurban Use	15	0	0	0	0	0
2. Perimeter In Nonurban Use	10	5	5	5	5	5
3. Percent Of Corridor Being Farmed	20	0	0	0	0	0
4. Protection Provided By State And Local Government	20	20	20	20	20	20
5. Size Of Present Farm Unit Compared To Average	10	0	0	0	0	0
6. Creation Of Nonfarmable Farmland	25	0	0	0	0	0
7. Availability Of Farm Support Services	5	5	5	5	5	5
8. On-Farm Investments	20	15	15	15	15	15
9. Effects Of Conversion On Farm Support Services	25	0	0	0	0	0
10. Compatibility With Existing Agricultural Use	10	5	5	5	5	5
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	160	50	50	50	50	50

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part VI)	100	51.73	51.76	51.74	51.81
Total Corridor Assessment (From Part VI above or a local site assessment)	160	50	50	50	50
<b>TOTAL POINTS (Total of above 2 lines)</b>	260	50 101.73	50 101.76	50 101.74	50 101.81

1. Corridor Selected: This will be determined through the NEPA process	2. Total Acres of Farmlands to be Converted by Project: <del>2410-27</del> 1604 to 1630	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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5. Reason For Selection:  
The selected alternative will be determined at a later date, based on a thorough analysis of all issue areas, including impacts to wetlands and biological resources, the local community, traffic, air/noise, and others.

Signature of Person Completing this Part: Kelly Jimm DATE 8/1/07

NOTE: Complete a form for each segment with more than one Alternate Corridor

## Appendix F: List of Acronyms



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°F	Degrees Fahrenheit
%	Percent
µg/cm <sup>3</sup>	Micrograms per cubic meter
22 <sup>nd</sup> DAA	22 <sup>nd</sup> District Agricultural Association
ac	Acre(s)
ec-ft	acre-feet
ADT	Average Daily Traffic
AADT	Average Annual Daily Traffic
AASHTO	American Association of State Highway and Transportation Officials
AB	Assembly Bill
ACHP	Advisory Council on Historic Preservation
ADA	Americans With Disabilities Act
ADI	Area of Direct Impact
ADL	Aerially Deposited Lead
ADT	Average Daily Traffic
AMA	Archaeological Monitoring Area
AMSL	Above mean sea level
APCD	Air Pollution Control District
APE	Area of Potential Effect
APS	Advanced planning study
ASBS	Areas of Special Biological Significance
ASML	above mean sea level
AASHTO	American Association of State Highway and Transportation Officials
ASR	Archaeological Survey Report
Basin Plan	Regional Water Quality Control Board Basin Plan
BMP	Best management practice
BNSF	Burlington Northern and Santa Fe Railway
BO	Biological Opinion
BRT	Bus Rapid Transit
BSA	Biological Study Area
BTU	British thermal unit
CAA	Clean Air Act
CAAA	Federal Clean Air Act Amendments
CAAQS	California Ambient Air Quality Standards
CAFE	Citizens Against Freeway Expansion
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CalEPA	California Environmental Protection Agency
CARB	California Air Resources Board
CA SB	California Senate Bill
CCAR	California Climate Action Registry
CCC	California Coastal Commission

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CCTV	Closed circuit television
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife (previously California Department of Fish and Game: CDFG)
CDP	Coastal Development Permit
CEC	California Energy Commission
CECP	Carlsbad Energy Center Project
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CER	Cost Estimate Review
CERCLA	Comprehensive Environmental Response Compensation and Liability Act of 1980
CERFA	Community Environmental Response Facilitation Act of 1992
CESA	California Endangered Species Act
CFP	California Fully Protected
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CH <sub>4</sub>	Methane
CHP	California Highway Patrol
CHR	church
CHRIS	California Historical Resources Information System
CIA	Community Impact Assessment
CIP	Capital Improvements Program
CMIA	Corridor Mobility Improvement Account
CMS	Changeable Message sign or Cubic meter per second
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
Coastal Act	California Coastal Act
"Coast Highway"	Country Route S21
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon dioxide
CO-CAT	Coastal Ocean Climate Action Team
CO Protocol	Transportation Project-Level Carbon Monoxide Protocol, 1997
Construction General Permit	State of California NPDES General Permit for Storm Water Discharges Associated With Construction Activities
COZEEP	Construction Zone Enhancement Enforcement Program
CP	Control point
CRHR	California Register of Historic Resources
CRHS	California Register of Historic Sites
CSMP	Corridor System Management Plan
CSS	Coastal sage scrub
CT	Census Tract
CTC	California Transportation Commission
CVREP	Carmel Valley Restoration and Enhancement Project
CWA	Clean Water Act
cy	cubic yards
CZMA	Coastal Zone Management Act of 1972

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DAR	Direct Access Ramp
dB	Decibel(s)
dBA	A-weighted decibel(s)
dBA L <sub>eq</sub>	A-weighted decibel(s) peak-noise-hour equivalent sound level
DDD	Dichloro Diphenyl Dichloroethane
DDE	Dichloro Diphenyl Ethane
DDT	Dichloro Diphenyl Trichloroethane
DEOG	Diesel exhaust organic gases
DLA	District Landscape Architect
DPM	Diesel particulate matter
DPP	Design Pollution Prevention
DPR	Draft Project Report
DRIR	Draft Relocation Impact Report
DSA	Disturbed soil area
DTSC	Department of Toxic Substances Control
du	Dwelling unit
du/ac	Dwelling units per acre
EB	Eastbound
ECR	Environmental Commitments Record
EDCO	Escondido Disposal, Inc.
EFH	Essential Fish Habitat
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMP	Environmental Mitigation Program
EO	Executive Order
ESA	Environmentally Sensitive Area
ESHA	Environmentally Sensitive Habitat Areas
Fairgrounds	Del Mar Fairgrounds and Racetrack Facility
FCAA	Federal Clean Air Act
FE	Federal Endangered
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FGC	California Fish and Game Code
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FMMP	Farmland Mapping and Monitoring Program
FOE	Finding of Effect
FP	State of California Fully Protected Species
FPPA	Farmland Protection Policy Act
FRA	Federal Railroad Administration
FRIS	Final Relocation Impact Study
f/s	Feet per second
FSC	Federal Species of Concern
FSTIP	Federal Statewide Transportation Improvement Program
FT	Federal Threatened

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ft	Foot or feet
ft/s	feet per second
FTA	Federal Transit Administration
GHG	Greenhouse gas
GIS	Geographic Information System
GSF	gross square feet
Guide	Caltrans Storm Water Quality Handbook, Maintenance Staff Guide
H <sub>2</sub> S	hydrogen sulfide
HA	Hydrologic areas
HCP	Habitat Conservation Plan
HDM	Caltrans Highway Design Manual
HEC-RAS	Hydrologic Engineering Centers Rivers Analysis System
HEI	Health Effects Institute
HFC	fluoroform
HFC-134a	s, s, s, 2-tetrafluoroethane
HFC-152a	difluoroethane
HFC	Hydrofluorocarbons
HHS	Health and Human Services
HM	hotel or motel
HMP	Habitat Management Plan or Hydromodification Management Plan
HMMP	Habitat Mitigation and Monitoring Plan
Horsepark	Del Mar Horsepark
HOT	high occupancy toll
HOV	High Occupancy Vehicle
HPSR	Historic Property Survey Report
Hr(s)	hour(s)
HRER	Historic Resources Evaluation Report
HSA	Hydrologic subarea
HU	Hydrologic unit
I-	Interstate
IAP	Intermediate access points
I.L.	Insertion loss
in	Inch(es)
IPCC	Intergovernmental Panel on Climate Change
IRIS	Integrated Risk Information System
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
JPA	Joint Powers Authority for San Dieguito River Valley Regional Open Space Park



KCRC	Kumeyaay Cultural Repatriation Committee
kV	Kilovolts
LCP	Local Coastal Program
LDV	Light duty vehicle
LED	Light-emitting diode
LEDPA	Least Environmentally Damaging Practicable Alternative
L <sub>eq</sub>	Equivalent Sound Level
LID	low impact development
LOS	Level of Service
LOSSAN	Los Angeles – San Luis Obispo – San Diego
LPA	Locally Preferred Alternative
LRH	Last Resort Housing
LRT	Light rail transit
LTMP	Long-term Management Plan
LUP	Land Use Plan
Ma	Mega annum; million years ago
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
MCAS	Marine Corps Air Station
MEP	Maximum Extent Practicable
MCB	Marine Corps Base
MF	Mixed-flow lane
MFR	multi-family residences
mgd	million gallons per day
MH	mobile home
MHCP	Multiple Habitat Conservation Program
MHHW	mean higher high water
MHPA	Multi-Habitat Planning Area
mi	Mile(s)
min	minute
MIS	Major Investment Study
ML	Managed Lanes
MLD	Most Likely Descendant
MLLW	Mean Lower Low Water
MMT	Million metric ton(s)
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
mpg	Miles per gallon
mph	Miles per hour
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
MSA	Major Statistical Area and Mitigation Site Assessment
MSAT	Mobile Source Air Toxics
MSCP	Multiple Species Conservation Program
MSE	Mechanically stabilized earth
MSL	Maintenance Service Level or mean sea level
MTS	Metropolitan Transit System

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MW	Megawatt
N <sub>2</sub> O	Nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NADR	Noise Abatement Decision Report
NAHC	Native American Heritage Commission
NATA	National Air Toxics Assessment
NAVD 88	North American Vertical Datum of 1988
NB	northbound
NC	North Coast
NCC	North Coast Corridor
NCCP	Natural Communities Conservation Planning
NCTD	North County Transit District
NCTS	North Coast Transportation Study
NEPA	National Environmental Policy Act
NES	Natural Environment Study
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NGVD	National Geodetic Vertical Datum
NHPA	National Historic Preservation Act
NHSTA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NO <sub>2</sub>	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos
NOAA	National Oceanic and Atmospheric Administration
NOD	Notice of Determination
NOI	Notice of Intent
NOID	notice of impending development
NOP	Notice of Preparation
NO <sub>x</sub>	Nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NSA	Noise Sensitive Area
NWS	National Weather Service
O <sub>3</sub>	Ozone
OC	Overcrossing
OC/UC	over/undercrossing
OH	Overhead
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Act
OSTP	Office of Science and Technology Policy
OUSD	Oceanside Unified School District
P	Pair
PA/ED	Project Approval/ Environmental Document

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PA	Programmatic Agreement
PAR	Property Analysis Records
Pb	Lead
PDS	Project Development Support
PDT	Project development team
PeMS	Performance Measurement System(s)
PFCs	Perfluorocarbons
PLAGUE	Prevent Los Angeles Gridlock Usurping the Environment
PM	Post Mile / particulate matter
PM <sub>10</sub>	Particulate matter sized 10 microns and under
PM <sub>2.5</sub>	Particulate matter sized 2.5 microns and under
PMMP	Paleontological Mitigation Monitoring Plan
PMMR	Paleontological Mitigation Monitoring Report
POC	Pedestrian overcrossing
POM	Polycyclic organic matter
ppb	parts per billion
ppm	Parts per million
PRC	Public Resources Code
PSR	Project Study Report
PWP/TREP	Public Works Plan / Transportation and Resource Enhancement Program
RAP	Relocation Assistance Program
RCP	Regional Comprehensive Plan (for the San Diego Region)
RCRA	Resource Conservation and Recovery Act of 1976
REC	recreational area
REP	Resource Enhancement Program
REMP	Resource Enhancement and Mitigation Program
Resources Agency	Natural Resources Agency (previously California Resources Agency)
RIP	Regional Improvement Program
ROG	Reactive organic gases
ROD	Record of Decision
RSAs	Resource Study Areas
RTIP	Regional Transportation Improvement Program
RTM	Regional Transportation Model
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users
SAIC	Science Applications International Corporation
SANDAG	San Diego Association of Governments
SB	Senate Bill / southbound
SCC	California State Coastal Conservancy
SCE	Southern California Edison
SCH	school
SCS	Sustainable Community Strategies

SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDC	Seismic Design Criteria
SDEIR/SDEIS	Supplemental Draft EIR/EIS
SDG&E	San Diego Gas and Electric
SDNR	San Diego Northern Railway
SDRP	San Dieguito River Park
SDRVLC	San Dieguito River Valley Land Conservancy
SDS	Seismic Design Criteria
SE	State Endangered
SELRP	San Elijo Lagoon Restoration Project
SF <sub>6</sub>	Sulfur hexafluoride
SFR	single-family residence
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLR	sea level rise
SM	Single Male
SMAQMD	Sacramento Metropolitan Air Quality Management District
SO <sub>2</sub>	Sulfur dioxide
SO <sub>4</sub>	sulfates
SOC	Statement of Overriding Considerations
SONGS	San Onofre Nuclear Generating System
SOV	single occupancy vehicle
SP	State of California Protected
Sprinter	Sprinter Community Rail
SR-	State Route
SSC	State Species of Special Concern
STIP	State Transportation Improvement Program
SWDR	Storm Water Data Report
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDC	Targeted Design Constituents
TDM	Transportation Demand Management
TIPs	Transit Improvement Programs
TMDL	Total Maximum Daily Load
TMP	Traffic Management Plan
TOD	Transit-oriented development
TSCA	Toxic Substances Control Act
TSM	Transportation Systems Management
22 <sup>nd</sup> DDA	22nd District Agricultural Association
UC	undercrossing
UCSD	University of California San Diego
UP	Union Pacific
U.S.	United States
USACE	U.S. Army Corps of Engineers



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USC	United States Code
USDA	U.S. Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UVOL	Unadjusted 24-hour Forecasted Volume
VA	Veterans Administration
VHD	Vehicle Hours of Delay
VIA	Visual Impact Assessment
VMT	Vehicle Miles Traveled
VOC	Volatile organic compounds
vphpl	Vehicle per hour per lane
WB	Westbound
WDRs	Waste Discharge Requirements
WM	Waste Management, Inc.
WQR	Water Quality Report
WUS	Waters of the U.S.
YOE	Year of Expenditure



## **Appendix G: CEQA Environmental Checklist**

**11-SD-5****R28.5/R55.4****235800**

Dist.-Co.-Rte.

P.M/P.M.

E.A.

Supporting documentation of all CEQA checklist determinations is provided in Chapter 3 of this Environmental Impact Report/Environmental Impact Statement. Documentation of "No Impact" determinations is provided at the beginning of Chapter 3. Discussion of all impacts, avoidance, minimization, and/or compensation measures is under the appropriate topic headings in Chapter 3.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS:</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS:</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS:</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HYDROLOGY AND WATER QUALITY:</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. LAND USE AND PLANNING:</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XI. MINERAL RESOURCES:</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. POPULATION AND HOUSING:</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIV. PUBLIC SERVICES:</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XV. RECREATION:</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVI. TRANSPORTATION/TRAFFIC:</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVII. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>